BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN ZONE BENCH, PUNE

APPLICATION NO.16(THC) /2013 (WZ)

The Goa Foundation Vs State of Goa & Anr.

CORAM: HON'BLE MR JUSTICE V.R. KINGAONKAR, JUDICIAL MEMBER
HON'BLE DR. AJAY A. DESHPANDE, EXPERT MEMBER

Present: Applicant : Ms. Supriya Dangre Adv

Date and Remarks	Orders of the Tribunal
Item No.4 January 8, 2014 Order No.4	We have heard Learned Counsel Ms. Supriya Dangre, holding for Advocate Ms Norma Alvares. She states that the Respondents have been duly served. Application No.14(THC)/2013, Application No.16(THC)//2013 and Application No.18(THC)//2013, are transferred Applications. Hence, pleading are deemed to be complete. All the three (3) Applications are of identical nature and are, therefore, amalgamated for joint hearing. They shall be heard together on the scheduled next date, as requested by Learned Counsel Ms. Supriya Dangre, considering convenience of Advocate Ms. Norma Alvares. **Stand over to 5th February, 2014.** ....., JM (Justice V. R. Kingaonkar) ....., EM (Dr.Ajay A. Deshpande)

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NOS. 673 OF 2008, 286 OF 2003, 334 OF 2006, 495 OF 2010 AND CIVIL APPLICATION NO. 201 OF 2011

WRIT PETITION NOS. 673 OF 2008

Goa Foundation through its Secretary
Dr. Claude Alvares .... Petitioner

Versus

State of Goa, through
Chief Secretary and 5 Ors. .... Respondents

Mrs. N. Alvares, Advocate for the petitioner.

Mr. K. Noorani, Additional Government Advocate for respondent nos. 1 to 4.

WITH
WRIT PETITION NO. 286 OF 2003

Sandeep Azrenkar, Margao & Anr. ... Petitioner

Versus

State of Goa and 10 Ors. ... Respondents

Mrs. N. Alvares, Advocate for the petitioner.

Ms. Sapna Mordekar, Additional Government Advocate for respondent nos. 1 to 5 and 7.

WITH
WRIT PETITION NO. 334 OF 2006

Goa Foundation through its Secretary
Dr. Claude Alvares .... Petitioner

Versus

State of Goa, through its
Chief Secretary and 6 Ors. .... Respondents

Mrs. N. Alvares, Advocate for the petitioner.
Ms. Sapna Mordekar, Additional Government Advocate for respondent nos. 1, 2, 4 to 7.

WITH
WRIT PETITION NO. 495 OF 2010

Goa Foundation through its Secretary
Dr. Claude Alvares .... Petitioner

Versus

State of Goa, through
Secretary and 5 Ors. .... Respondents

Mrs. N. Alvares, Advocate for the petitioner.

Mr. P. Dangui, Additional Government Advocate for the State.

WITH
CIVIL APPLICATION NO. 201 OF 2011

Goa Foundation through its Secretary
Dr. Claude Alvares .... Petitioner

Versus

State of Goa, through
Secretary and 5 Ors. .... Respondents

Mrs. N. Alvares, Advocate for the petitioner.

Mr. P. Dangui, Additional Government Advocate for the State.

CORAM : DR. D. Y. CHANDRACHUD &
F. M. REIS, JJ.

DATE : 17th October, 2013

P.C :

Considering the reliefs sought and the averments in the petitions, we are of the view that the petitions should be transferred to the National Green Tribunal constituted under the National Green Tribunal Act, 2010. The Registrar (Judicial) is requested to take necessary steps to implement this order.

DR. D. Y. CHANDRACHUD, J

F. M. REIS, J

at*

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 815 OF 2007
IN
WRIT PETITION NO. 334 OF 2006

GOA FOUNDATION THROUGH ITS SECRETARY DR. CLAUDE ALVARES, MAPUSA GOA. ... Applicant

Versus

STATE OF GOA THROUGH ITS CHIEF SECRETARY AND 6 ORS., ... Respondents

Ms. Norma Alvares, Advocate for the applicant.
Mr. A. N. S. Nadkarni, Advocate General with Ms. Sapna Mordekar, Addl. Govt. Advocate for respondents No.1, 2, 4 to 7.

Coram:- V. M. KANADE &
U. V. BAKRE, JJ.

Date:- 7th January, 2013

P.C.:-

By order dated 11th December, 2012, a direction was given by this court to take appropriate steps to appoint two committees, one for North Goa and another for South Goa, for the purpose of identification of balance areas of private forests in the State of Goa. We are informed that the said committees have been constituted and in view of this, learned Counsel appearing for the applicant does not press the present application, at this stage.

Misc. Civil Application is, accordingly, disposed of.

V. M. KANADE, J.

U. V. BAKRE, J.

ssm.

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 435 OF 2012
IN
WRIT PETITION NO. 334 OF 2006

GOA FOUNDATION THROUGH ITS SECRETARY DR. CLAUDE ALVARES, MAPUSA GOA. ... Applicant

Versus

STATE OF GOA THROUGH ITS CHIEF SECRETARY AND 7 ORS., ... Respondents

Ms. Norma Alvares, Advocate for the applicant.
Mr. A. N. S. Nadkarni, Advocate General with Ms. Sapna Mordekar, Addl. Govt. Advocate for respondents No.1, 2, 4, 5, 6 and 7.

Coram:- A. P. LAVANDE &
U. V. BAKRE, JJ.

Date:- 11th December, 2012

P.C.:-

Heard Ms. Alvares, learned Counsel appearing for the applicant and Mr. A.N.S. Nadkarni, learned Advocate General appearing for respondents No.1, 2, 4, 5, 6 and 7.

2. Although by this application, the applicant has sought three reliefs, substantially, the main relief stands granted in view of the Notification dated 27th November, 2012 issued by the State Government constituting two committees - one for North Goa and another for South Goa for the purpose of identification of balance areas of private forests in the State of Goa. A copy of the said notification is placed on record.

3. We expect both the committees to take appropriate steps in terms of the said notification and the State Government to take

appropriate decision on the basis of the reports submitted by the two committees, expeditiously.

4. With the above observations, the application stands disposed of.

A. P. LAVANDE, J.

U. V. BAKRE, J.

ssm.

Chairman brought to the notice of all the members, the revision application of M/s Jain Udyog for re-consideration of the Board. The Board members wanted to know from the Chairman, as to why the rejected application has been again put up before the Board. Chairman stated that Hon. Minister for Environment felt that M/s Jain Udyog should be given an opportunity to present their case before the Board members. M/s Jain Udyog was requested to make a presentation of his proposal before the members. After hearing the presentation made by the project proponents and thorough deliberations and discussions, the Board decided as follows:

The Board unanimously decided to reject the proposal of M/s Jain Udyog for setting up a sponge iron plant at Santona, Sanguem Taluka, in view of the following:

1. The present proposed location of the unit is totally unacceptable in view of the fact that a river is bounded on all three sides of the site. The distance between the boundary of the site and the river is 40 metres at the eastern boundary.

2. The presentation made by the company was found to be unsatisfactory, as the issues raised by the members pertaining to the project were not clarified to the satisfaction of the Board members.

3. As the Board has already rejected this proposal in its 57th meeting (Special meeting), an appeal against such a decision lies on the President of the Administrative Tribunal, being the Appellate Authority.

However, the Board decided on the entire issue of allowing such plants in future and unanimously resolved as under:

'The Board members were of the unanimous view that all the fresh applications for establishing steel / metallurgical unit (i.e sponge iron plants, mild steel plants, scrap units etc) having tremendous potential of air, water and land pollution should not be encouraged in the State of Goa in future.

The members were further of the unanimous opinion that these views are fully supported by the working of such units, established in the past (1994 onwards), both from the performance, as well as pollution angle.'

The Board decided that this Resolution should be sent to the Government for consideration.

INSPECTION REPORT

M/s Jain Udyog have submitted an application for obtaining consent of this Board for establishing a sponge iron plant at Santona, Sanvordem, Goa. This application was rejected by the Board after extensive deliberations in its 57th meeting held on 27/11/03, on the grounds that Kalay river is bounded on all three sides i.e. North, South and Eastern boundaries. The Board strongly felt that there is an apprehension that the Kalay river getting polluted due to storm water from the premises of M/s Jain Udyog. The water will be black in colour and this will enter into the Kalay river from their premises. Accordingly, the decision of the Board was communicated to M/s Jain Udyog vide this office letter no. 5/2306/03-PCB/2568 dated 01/12/03.

Hon. Minister for Industries has instructed the undersigned to personally inspect the site of M/s Jain Udyog. Accordingly, the undersigned alongwith Shri Amar Vazirani, Asstt. Env. Engineer and Shri Dinesh Tare, Junior Env. Engineer inspected the site on 12/12/03. It is seen that the proposed site is bounded by three sides by Kalay river, North, South and East. The nearest corner of the site of the Kalay river is 25-30 metres. The possibility of storm water entering into Kalay river from other sides is also not ruled out, in view of the fact that the plant is slightly on a higher elevation. The site is located on the slightly higher elevation, as such, the entire storm water from the premises will flow into the Kalay river, which is at a lower level.

M/s Jain Udyog has already started the work and concrete work for foundation for superstructure is in fast progress. As per the process flow chart submitted by M/s Jain Udyog, the raw material i.e. imported steam coal, Dolomite and lumpy iron ore are stacked on the open stack yard. During rainy season, the rain water from these stacks will directly flow into the river.

M/s Jain Udyog have now suggested storm water treatment plant for treating rain water from the premises. The efficiency of this system is questionable, considering the site condition and location of Kalay river.

S. Chary

(S. Chary)
Member Secretary
16/12/03

Chairman This may be put up to the Government for necessary action.

Lkghatti
16/12/2003

M/s Shree

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 334 OF 2006

GOA FOUNDATION THROUGH ITS SECRETARY DR. CLAUDE ALVARES, MAPUSA GOA. ... Petitioner

Versus

STATE OF GOA THROUGH ITS CHIEF SECRETARY AND 6 ORS., ... Respondents

Mr. J. A. Lobo, Advocate holding for Ms. Norma Alvares, Advocate for the petitioner.
Mr. S. S. Kantak, Advocate General with Ms. S. Mordekar, Addl. Govt. Advocate for the State.

Coram:- SMT. V.K.TAHILRAMANI & N. A. BRITTO, JJ.

Date:- 16th December, 2009

P.C.

Learned Advocate General on behalf of the State submits that an affidavit in reply will be filed in the course of the day. Learned Advocate General further submits that 2 Committees, for both the Districts, for the purpose of identification of balance areas of private forests, will be constituted by the State Government within a period of 4 weeks. He further submits that time for identification of private forests would be determined upon the response of the said Committees, once appointed. Stand over to 1st February, 2010.

SMT. V.K.TAHILRAMANI, J.

N. A. BRITTO, J.

ssm.

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 334 OF 2006

GOA FOUNDATION THROUGH ITS SECRETARY DR. CLAUDE ALVARES, MAPUSA GOA. ....Petitioner

Versus

STATE OF GOA THROUGH ITS CHIEF SECRETARY AND 6 ORS., ...Respondents

Ms. Norma Alvares, Advocate for the Petitioner.
Mr. S. S. Kantak, AG with Ms. R. Chodankar, AGA for Respondent nos. 1, 2, 4, 5, 6 and 7.
Mr. E.P.Badri Narayanan, Central Government Counsel for Respondent no.3.

Coram:- J. N. PATEL &
N. A. BRITTO, JJ.

Date:- 21st November, 2006

P.C.

Heard.

Rule. There will be interim Order in terms of prayer Clause (d). Learned AG waives service for respondent nos. 1, 2, 4, 5, 6 and 7. Mr. Bhadri Narayan Central Government Counsel waives service for respondent no.3.

Parties are at liberty to move this Court as and when contingency arises so that appropriate orders/directions be issued. We expect the respondents to file their return on affidavit within a period of eight weeks so that the petition can be disposed of.

J. N. PATEL, J.

N. A. BRITTO, J.

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 334 OF 2006

GOA FOUNDATION THROUGH ITS SECRETARY DR. CLAUDE ALVARES, MAPUSA GOA. ....Petitioner

Versus

STATE OF GOA THROUGH ITS CHIEF SECRETARY AND 6 ORS., ...Respondents

Ms. Norma Alvares, Advocate for the Petitioner.
Mr. S. S. kantak, Advocate General with Ms. R. Chodankar, Additional Government Advocate for the Respondent Nos.1, 2, 4, 5, 6 and 7.
Mr. J. Vaz, Central Government Standing Counsel for the Respondent No.3.

Coram:- DR. S. RADHAKRISHNAN & N. A. BRITTO, JJ.

Date:- 17th October, 2006

P.C.:-

Heard the learned Counsel for the Petitioner and the learned Advocate General for the Respondent Nos.1, 2, 4, 5, 6 and 7. The learned Advocate General seeks a short adjournment to file an affidavit-in-reply. The matter is adjourned to 21st November, 2006. Pending further orders, there shall be an ad-interim relief in terms of prayer clause (d) which reads thus:

> "Pending final hearing of this petition for an order to Resp.Nos.6 and 7 not to issue Conversion Sanads for any private properties with tree cover without the approval of the Forest Department".

DR. S. RADHAKRISHNAN, J.

BEFORE THE NATIONAL GREEN TRIBUNAL

AT PUNE

(Under Section 18 read with Section 14 and 15 of the National Green Tribunal Act 2010)

APPLICATION NO.16 (THC)/2013

IN THE MATTER OF:

THE GOA FOUNDATION — APPLICANT

VERSUS

STATE OF GOA & ANR. — RESPONDENTS

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Adv. Ms Norma Alvares

Adv.Ms. Supriya Dangare,
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Bharat Kunj, Vasahat 1,
Opp. New Karnatak High School,
Erandavane, Pune
Email: advocatedangare@yahoo.co.in
Phone: 9923106109

PUNE

DATED

3. The Secretary,)
Ministry of Environment and Forests,)
Paryavaran Bhavan,)
C.G.O. Complex, Lodi Road)
New Delhi 110 003)

4. The Tree Officer,)
Office of the DCF, North Goa,)
Ponda, Goa)

5. The Tree Officer,)
Office of the DCF, South Goa,)
Margao, Goa)

6. The Collector, North Goa)
North Goa Collectorate,)
Panaji, Goa)

7. The Collector, South Goa)
South Goa Collectorate,)
Margao, Goa)

8. The Director of Mines)
Dept of Mines & Geology,)
Udyog Bhavan, Panaji, Goa.) Respondents

THIS APPLICATION MOST RESPECTFULLY SHOWETH:-

1. The address of the Applicant's counsel is given above for service of notices of this Application.

2. The addresses of the Respondents are given above for the service of notices of this Application.

3. The applicant by the present application seeks to raise "substantial questions relating to the environment" connected with implementation of the Forest Conservation Act, 1980 in the State of Goa and enforcement of the directives of the Hon'ble Supreme Court in the *Godavarman* matter. The present application seeks directions to Respondent Nos. 1 and 2 to complete the process of identification and demarcation of private forests in Goa as per the order of the Supreme Court dated 12-12-1996 in *Godavarman Thirumulkpad V/s Union of India & ors.* (Writ Petition No. 202/1996), in order to prevent the destruction of forest lands that are not yet so identified in the State of Goa. This application is filed in public interest in so far as it involves protection of environment and forests, which is a constitutional duty of citizens.

FACTS AND ISSUES BEFORE THE TRIBUNAL:

4. In the aforesaid *Godavarman* case the Hon'ble Supreme Court vide its order dated 12-12-1996 directed all State Governments to:

   a) Identify areas which are "forests", irrespective of whether they are so notified, recognized or classified under any law, and irrespective of the ownership of the land of such forest;

b) Identify areas which were earlier forests but stand degraded, denuded or cleared; and

c) Identify areas covered by plantation trees belonging to the Government and those belonging to private persons.

5. Pursuant to the Apex Court's orders, the Respondent No. 1 appointed a Committee headed by Shri S.M. Sawant (hereinafter "the Sawant Committee") in January 1997 to carry out a survey of forest lands in Goa and submit a report.

6. The Sawant Committee adopted certain criteria for the identification of forests which were similar to the criteria set out by the Forest Department way back in 1991 after an order of this Hon'ble Court. The criteria for identification of forests set out by the Sawant Committee are as follows:

a) 75% of the composition should be forestry species;

b) The area should be contiguous to a Government Forest and if in isolation, should be more than 5 ha.

c) Canopy density should not be less than 0.4.

7. In its interim report, the Sawant Committee indicated that there were approx. 256 sq. kms of private forests in Goa. Annexed

hereto as **Exhibit A** is a copy of the First Interim Report of the Sawant Committee.

8. However, its final report, submitted in December 1999, identified only 47 sq. kms of private forests. The Sawant Committee records that the report was incomplete and that much work remained in regard to the identification of forests.

9. Thereafter, in September 2000, the government appointed another Committee headed by Dr. H. Karapurkar (hereinafter "the Karapurkar Committee") to carry on the work. The new committee has as its mandate the identification of forests in Goa but in the process it also sought to review the work of the Sawant Committee and delete certain survey numbers identified as forests by the Sawant Committee in order to favour certain politicians and the influential lobby of developers who were not happy with the earlier report.

10. The Applicant, being anxious about this prospect, moved a Writ Petition No. 181/2001 before the Hon'ble Supreme Court. The Hon'ble Supreme Court by an interim order was pleased to disallow any tampering with the Sawant Committee report.

11. The Karapurkar Committee submitted its final on 16.12.2002. It had succeeded in identifying only 20 additional sq.kms of private forest lands. Thus a total of 67 sq. kms of private forests were identified by both the Committees. A copy of the Karapurkar Committee Report (which also includes the Sawant

Committee Report) is herewith annexed to this Application as **Exhibit B**.

12. The Karapurkar Committee also stated in its report that the process of identification of forests is not complete and that the exercise needs to be continued for some more time in order give full effect to the orders of the Apex Court. Thus, though two Committees were set up by the government to identify private forests in Goa, both were unable to complete their task. Hence, there are several areas of forest which are left out of both the Sawant and Karapurkar Committee reports.

13. The Applicant has already obtained orders from the Hon'ble High Court disallowing any development on the 67 sq.kms of private forest identified by the two Expert Committees. The Court has also directed the Forest Department to demarcate on the survey plans and maps the exact physical limits of private forest area so identified by the aforesaid two committees. This exercise is currently being carried out and the Forest Department has to submit progress reports every three months.

14. Being concerned that the exercise of demarcation of forest lands in Goa was not yet complete, and as Writ Petition 181/2001 was still pending before the Apex Court, applicant moved an Interlocutory Application in the said writ petition praying for directions to the State Government to complete the task of identification of forests in the State.

15. However, the Writ Petition No. 181/2001 itself came to be disposed of by the Apex Court by an order dated 10-02-2006, which has led to the filing of this petition/application. The order is annexed to this application as **Exhibit C**. It is also reproduced in full below:

> "This petition was filed in the year 2001 primarily challenging the appointment of Karapurkar Committee. I.A. No. 3 has been filed, inter alia, contending that despite two Committee Reports (Sawant Commitee and Karapurkar Committee), bulk of private forest in the State of Goa still remains to be identified and the same is being sacrificed in collusion with developers and vested interest persons and no action has been taken by the State Government to set up a fresh Committee that will bring a finality to the survey of private forests in the State of Goa in compliance with the order dated 12th December, 1996, passed in Writ Petition (C) No. 202 of 1995. In substance, the prayer in the application is for appointment of another Committee or for consideration of the issue by the Central Empowered Committee to identify the private forests. These issues, we are afraid, do not arise out of the writ petition which has become infructuous on Karapurkar Committee and Sawant Committee having submitted their Reports. In case, the applicant has any further relief to seek, it may, in accordance with law, file a fresh

substantive petition before an appropriate forum which would be considered on its own merits. The writ petition is disposed of, it having become infructuous. I.A. No. 3 is also disposed of accordingly."

16. During the pendency of the Sawant and the Karapurkar committees several persons and NGOs had made representations to them, drawing to their attention lands which had forest on them. However despite representations from the applicants and others, both the Committees were unable to visit all the areas and identify all the forests in the state. In **Exhibit D**, the Applicant has produced a table comparing the areas identified as forest in certain villages and the actual extent of private forests most of which have not yet been demarcated or identified as forest.

17. Applicant submits that there is urgent need for court intervention as people and even sometimes the authorities dispute the existence of these forest areas solely on the ground that the survey numbers are not included in the aforesaid two reports. Worse, the Forest Department is all the time permitting persons to fell trees in forest areas under the provisions of the Goa Trees Act, 1984. Applicant can cite numerous instances where there has been large scale decimation of trees and degradation of forest land but for purposes of this application applicant will refer to three instances only.

18. In Sancoale village, there is a plot of land bearing survey no. 113/2 which has been identified as forest by the Dy. Conservator of Forests South Goa Division. The area is not included either in the Sawant or Karapurkar Committee Reports. The owner has twice illegally felled large number of forest trees on the plot and cases have been registered against him. Despite these illegal acts, he has been rewarded with a Conversion Sanad, issued by the Collector on 5-1-2006, permitting its use as residential. The Dy. Conservator of Forests has written several times to the Chief Town Planner drawing to his attention that this area is forest and that any development on the said plot will be in contempt of the Hon'ble Supreme Court's directions in *Godavarman*. Applicant has recently sent legal notice to the authorities through its counsel. If no action is forthcoming applicant will be compelled to file a petition for appropriate relief. Annexed to this application as **Exhibit E** is the most recent letter of the Dy. Conservator of Forests, wherein he specifically mention that the said survey numbers will be identified as forest shortly.

19. The second instance is at Ela, Old Goa. Applicant has in fact already filed a PIL in this case before the Hon'ble High Court (Writ Petition No. 344/2002) and the court has stayed development on the entire plot. The application is pending final hearing. In this case, the Range Forest Officer's Inspection Report of 1996 states that the land is forest and FCA is applicable. Thereafter, the Dy. Conservator of Forests informed

the owner in writing that diversion to non-forest use is not permitted. Despite this, permission was granted by the Forest Department to fell trees on the plot and Conversion Sanad was issued in 2000 and the land diverted to non-forest use (residential) without prior approval of the Central govt. Annexed herewith as **Exhibit F** is a copy of Interim Order dated 17-6-2003 in Writ Petitin 344/2002.

20. The third instance is in Assagao village which has vast forest area on the hillslopes. This area belongs to the Assagao Comunidade. Initially, only a few survey numbers were identified by the Sawant Committee as forest. Thereafter the Karapurkar Committee added several more survey numbers in its report. However, despite visits from two committees, inexplicably or perhaps inadvertently, some survey numbers in between those identified as forest have been left out of both the reports, resulting in gaps in the stretch of forest. This omission could result in development being permitted on these survey numbers, which would ruin the entire forest stretch eventually, besides of course being a violation of the Supreme Court's directions. Annexed herewith as **Exhibit G** is a copy of the letter addressed by the applicant to the Chief Secretary (also Forest Secretary) of Goa in respect of inclusion of 14,00,000 sq mt. of Assagao Comunidade land which do not find a mention in both the Expert Committee reports despite these survey numbers also being forest. The Comunidade is also interested that the area

is declared as forest. To the knowledge of applicants, the areas have not yet been included as "forest" by the Forest Department.

21. The applicant has in the past approached the High Court for protection of forests not included in either the Sawant or Karapurkar Committees and the Court has granted stays of development projects in such areas. However, many cases simply go unnoticed. As the cases of the Sancoale and the Ela plots mentioned above indicate, the absence of a particular survey number in the two expert committee reports is often taken as an indication that there are no other forests left to be identified and development permissions are granted despite interventions of NGOs or Forest Department or even though the officers concerned can see that a good forest exists on the plot.

22. Applicant submits that it is therefore necessary that the exercise of identification of private forests is completed at the earliest so that officials are not tempted to sacrifice good forest in Goa on the specious ground that the survey numbers are not officially identified as such in the two reports. The complete identification of private forests in Goa will also make it clear to the owners of such areas that these areas are not available for development except as per the provisions of environmental law. The complete identification of private forests will also fulfil direction (a) of the Apex Court's order dt. 12-12-1996.

23. Besides directing the State governments to identify existing forests, the Supreme Court had also directed them to: (b) identify areas which were earlier forests but stand degraded, denuded or cleared i.e., degraded forest lands, and (c) identify areas covered by plantations.

24. While the exercise regarding (c) above has been conducted and several plantations are identified in the two reports, neither of the two committees has undertaken the exercise of identifying degraded forest lands. There is no data on degraded forest lands in either of the Committee reports although there are large tracts of such lands in the State of Goa. The report submitted by the Sawant Committee mentions under the head of "degraded forest areas" those lands which have already been diverted to non-forest use. Applicant submits that this is not a correct interpretation of the Apex Court's decision (b).

25. The purpose of surveying degraded forests is to take stock of all those lands which were once forest but which are not now in good health or have less density of growth and species, but which have wild and natural growth. All such lands would naturally come under the protection of the Supreme Court order dated 12.12.1996.

26. Applicant is not aware whether criteria/parameters for identifying such degraded forest areas have been laid down by the Resps. No. 1 or 2. Such parameters need to be set out so as

to being the exercise of identifying degraded forest lands as per the Apex Court's order.

GROUNDS:

27. Applicant is therefore approaching this Hon'ble Tribunal on the following grounds:

a) Large areas of forest remain unidentified in the State of Goa despite a period of 10 years from the date of passing of the original order in *Godavarman*. The exercise of identification needs to be completed at the earliest.

b) Neither of the Committees has identified degraded forest areas in the State in its true sense.

c) Applicant has had to move the Hon'ble High Court time and again to save areas, obviously forest, and even admitted to be so by forest officials but which are not finding a place in either the Sawant or Karapurkar Committee reports.

d) The State Government is allowing development of forest lands on the grounds that they have not been identified as forest by the Sawant and Karapukar Committees even though both these Committees have stated and made it amply clear that their work of identification of private forests was incomplete.

e) The order of the Supreme Court dated 12-12-1996 remains unimplemented in the Sate of Goa as large portion of private forest area is still excluded from recognition owing to incompleteness of the two committees' report.

f) The Forest Department should be disallowed from granting permissions for clear felling trees in plots that attract the FCA, unless permission to divert the land has first been obtained from the MoEF;

g) The Forest Conservation Act is violated every time development is permitted on lands deemed as forest by the forest officials but approved for development by other govt. officials.

h) People have a right to know which of their properties are designated as forest so that they are not inadvertently in contempt of the Supreme Court.

LIMITATION:

28. The present Application is a writ petition transferred to the NGT by the Bombay High Court vide order dated 17.10.2013. Issue of limitation therefore does not arise.

INTERIM RELIEFS:

29. Pending hearing and disposal of the application, the applicant respectfully prays for the following interim reliefs:

a) For an order to the Resp. No. 2 to consider the representations of civil society groups, including the Applicant, for inclusion of areas as forest;

b) For an order to the Resp. Nos. 6 and 7 not to issue Conversion Sanads for any private properties with tree cover without the approval of the Forest Department.

c) For an order restraining Resp. Nos. 4 and 5 from granting permissions for clearfelling of trees under the provisions of the Trees Act on lands that have been identified by the Range Forest Officer (RFO) as attracting the provisions of the FCA, 1980;

PRAYERS:

30. In view of the above facts and circumstances it is most respectfully prayed that this Hon'ble Tribunal may be pleased to grant the following reliefs:

a) For an order directing the Government of Goa to complete the process of identification of private forests in the State within a time bound period in terms of the Apex Court's order dated 12-12-1996 and report compliance.

b) For an order directing the Government of Goa to complete the process of identifying degraded forests within the State i.e., areas which were earlier forests but stand degraded, denuded or cleared, in terms of the Apex Court's order dated 12-12-1996 and report compliance.

c) For costs of this application;

d) For any other reliefs this Hon'ble Tribunal may be pleased to grant.

For the above the applicant is truly grateful.

2nd December 2013 Advocate for Applicant

BEFORE THE NATIONAL GREEN TRIBUNAL

AT PUNE

APPLICATION NO.16 (THC)/2013

IN THE MATTER OF:

THE GOA FOUNDATION — APPLICANT

VERSUS

STATE OF GOA & ORS. — RESPONDENTS

AFFIDAVIT

I, Dr Claude Alvares, Secretary, petitioner abovenamed, aged about 65 years, do hereby solemnly affirm and declare as under:

1. That I am the Applicant No.1 in the abovementioned Application.
2. That I am fully conversant with the facts of the case as available with me and hence competent to swear this affidavit.
3. That I have read over the contents of the accompanying Application and same is true and correct and is as per the original writ petition which was drafted on my instruction and originally filed in the Bombay High Court at Goa.

DEPONENT

VERIFICATION:-

Verified on this the _____ day of _____ 2013 that the contents of paras 1 – 16, 18, 19, 20, 21 of the accompanying application are in the nature of facts which are true to my own knowledge and belief and the contents of paras 17, 22 – 30 are my submissions, made on legal advice which I believe to be true and correct. No part of it is false and nothing material has been concealed therefrom.

DEPONENT

BEFORE THE NATIONAL GREEN TRIBUNAL

AT PUNE

APPLICATION NO.16 (THC)/2013

IN THE MATTER OF:

THE GOA FOUNDATION — APPLICANT

VERSUS

STATE OF GOA & ANR. — RESPONDENTS

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PUNE

DATED

Exhibit A

FIRST INTERIM REPORT OF STATE LEVEL EXPERT COMMITTEE

The State Level Expert Committee constituted in pursuance to the direction of Supreme Court in para 5 of the Supreme Court Order dated 12.12.96 in Writ Petition (Civil) No.202 of 1995 filed by Shri T.N. Godavarman Thirumalpad v/s Union of India & others vide Government Notification No.12-96/FOR (Rev) Part-A dated 24.1.97 met on two occasions and the action plan for compliance of the directives of the Supreme Court on priority basis was set in motion. The details are as under:-

1. Identification of forest area:

The private forests in the State have not been surveyed till date. However, it is estimated that approximately 256 sq. kms. of private forest exist subsequent to passing of landmark judgement by High Court of Judicature, Panaji Bench in Writ Petition No.162 of 1987 filed by Shri Shivanand V. Salgaonkar V/s. Tree Officers, the Department have been regulating felling of trees in private forest based on the guidelines formulated. A copy of the said guidelines/criteria is placed below for perusal of this Hon'ble Court.

In order to assess the actual green cover of the State, the Committee has already approached National Remote Sensing Agency, Hyderabad to make available processed digital data on forest from the satellite imageries for the State of Goa. The matter is being pursued.

The data made available would be analysed vis-à-vis ground position as expeditiously as possible. Even though an accurate estimate of the private forest will not be available in a short period, the Committee endeavours to complete the task assigned to them within the shortest period possible. Besides above, the following steps are already initiated:

(i) Procuring of village maps, records of ownership from Revenue Department.
(ii) Computing area outside the Govt. forest records/ Working plan.
(iii) Identifying the extent of green cover outside the Govt. forest with the help of Aerial Photographs of 1987.
(iv) Ground truthing by the field staff and Test checking by the expert committee.

2. Identification of forest area stand degraded/denuded:

Approx. 1065 ha. of Govt. forest has been diverted for non-forestry activities mainly for the following purpose after 1980.

(1)	Irrigation projects	... 12 Ha.
(2)	Transmission lines	... 93 Ha.
(3)	Konkan Railway line	... 36.7 Ha.
(4)	P.W.D.	... 6.5 Ha.
(5)	Mining etc.	..917 Ha.

As regards diversion of forest areas outside the Govt. forest, the area will be worked out after compiling the report as in para (1) above.

3. Plantations:

Upto 95-96, the State Forest Department has raised plantations over 23673 Ha. of Govt. forest. Further, the Department has raised 4950 Ha. of Social Forestry plantations in Comunidade land.

As regards private plantations, the Expert Committee is collecting information from individual/agencies including other Govt. Departments. Till date, we have received information from two sources, in which one has indicated raising of plantations over an area of 24 Ha. Further approximately 710 Ha. has been planted by the mine owners within the lease area.

Summary:

Unlike other States, Goa has got private ownerships over land having natural cover of trees. Till today, no detailed survey has been conducted by the Forest Department. With the introduction of Preservation of Trees Act, 1984, removal of trees from such private areas are controlled by way of granting licences by the Forest Department. Diversion of such forest area for non-forestry purpose is also processed under the Forest (Cons.) Act. Identification of such areas involves computation of green cover outside the recorded forest area and verification of ground truth by field visits at different level. This is a time consuming exercise as brought out in para I above. Committee feels a genuine necessity of extension of time to make justice to the task entrusted to them by the Hon'ble Supreme Court. The Committee would submit the report to the State Government at regular intervals till the assignment is completed.

1. Mr.Sadanand M. Sawant, Chairman

2. Mr.Sujit S. Choudhury,
   Conservator of Forests.

3. Dr.A.G. Untawale, Scientist, NIO

4. Mr. Jagdish Wagh, for W.W.F. for Nature

5. Mr.S.N. Shet,
   Dy.Conservator of Forests,
   North Goa Division, Ponda

6. Mrs. Archana Singh,
   Dy.Conservator of Forests,
   South Goa Division, Margao, Goa.

7. Dr. A.K. Ambasht
   Dy.Conservator of Forests,
   Working Plan Divn., Panaji – Member Secretary

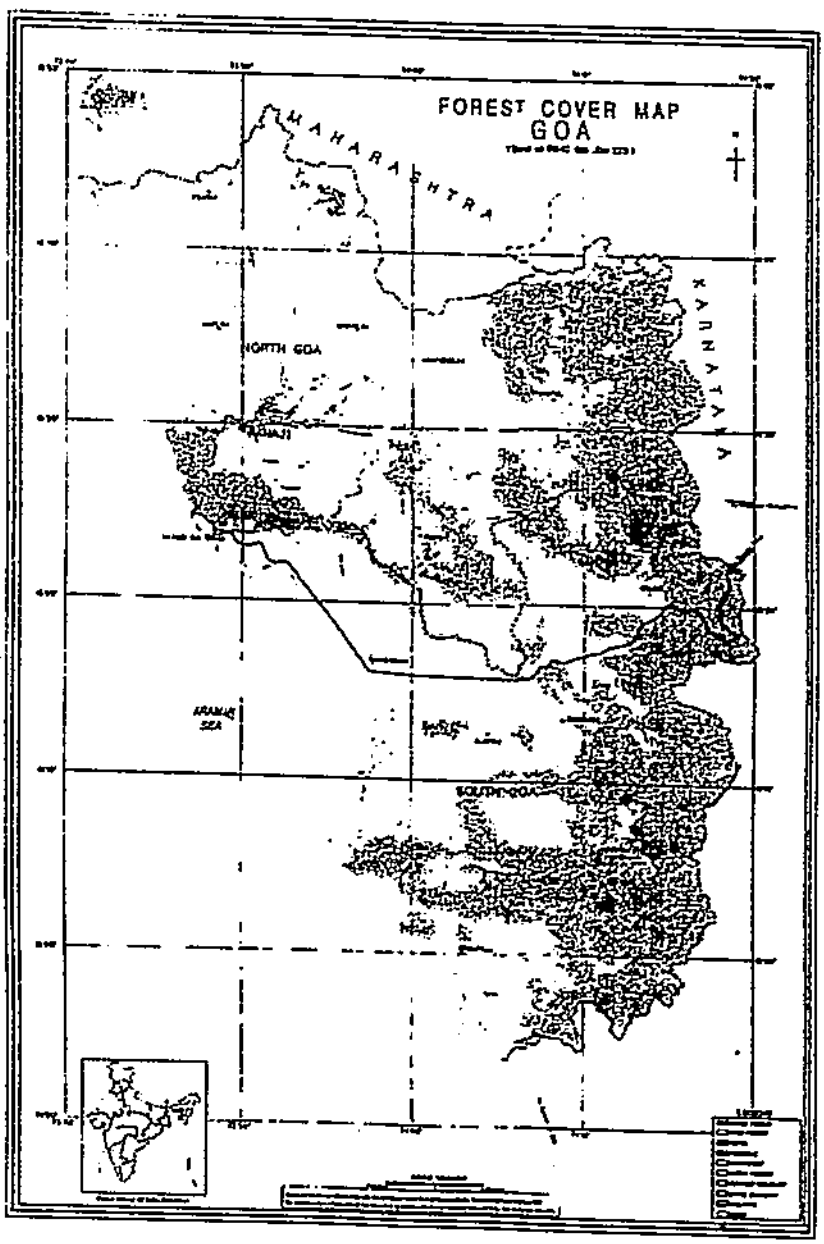
   21.2.1997

Exhibit B

EXPERT COMMITTEE REPORT

ON

THE IDENTIFICATION OF THE FORESTS OF GOA STATE



SUBMITTED TO

GOVERNMENT OF GOA,PANAJI

December 16, 2002

ACKNOWLEDGEMENTS

I have a great pleasure in submitting herewith the Report of the Committee constituted by the Government of Goa to identify Forest Areas in different Talukas of Goa State.

I wish to express my special thanks to the Hon'ble Chief Minister Shri Manohar Parrikar and also the Forest Minister Shri Vinay Tendulkar for reposing confidence in me and other members of the committee by allowing to carry out with our job independently and without any interference.

The committee could complete this task with the active participation of all the members of the committee, their advice and involvement in the field visits from time to time. Particularly I thank Dr. D. Pandey, Chief Conservator of Forests, Shri A. K. Wahal, Conservator of Forests and the Member Secretaries Shri L. V. Kulkarni, Deputy Conservator of Forests, Dr. P. Devraj, Deputy Conservator of Forests, and Shri Jitendra Kumar, Deputy Conservator of Forests. Our sincere thanks are also to the Field Staff like R.F.Os, Foresters and Forest Guards who provided with detailed maps and data on forests and also moved with the committee during the field visits. The Committee sincerely acknowledges the services rendered by Smt. Rupa Vaigankar, trainee- Steno-Typist who helped in typing and formatting this report on Computer.

(H.Y. Karapurkar)
Chairman
State Level Expert Committee
for
Identification of Forests.

Panaji
December 16, 2002

FOREWORD

Goa is the smallest State of Indian Union situated in the Western Ghats of central West coast between 14° 49' and 15° 52'N latitude and 73° 38' and 74° 24' E longitude. It is flanked by the Western Ghats on the East and Arabian Sea towards the West.

Goa was liberated from the Portuguese rule in 1961, who ruled this tiny territory for about 450 years. Although Goa had very good forest cover during those years, the Portuguese administration had not developed the system of proper mapping, zoning or data collection. From the earlier Portuguese records 'Mata Nacional' , it was observed that the forest were identified with the mountains and hills. Later this crude method was changed to the establishment of pillars, for calculating or identifying the forest areas.

However, after the liberation in 1961 Union Territory of Goa, Daman & Diu initiated proper recordings of the forests, i.e. Government as well as private with proper land surveys. Lately, Central Government agencies like FSI and IIRS etc have also carried out assessment of forest cover in the State. While State of Forest report of FSI (1999) gives total forest cover as 1251 sq. km, that of IIRS published recently has approximated the forest cover to be 1591 sq. km. Admittedly, there may be wide variation in these figures due to limitations of correct interpretation of satellite borne, remote sensing data and also due to intermixing of pixels from non-forestry plantation crop with that of adjoining forest areas, thus resulting in over estimation.

State Level Committee have compiled the figures from Government records as well as field assessment carried out by them and all the forestry area put together make upto 1364 sq. kms. It may be unrealistic to call this exercise as complete in itself as there is always a possibility of locating some additional areas which might have escaped the notice of the Committee, due to limitation of time and several other factors. Besides, small isolated patches less than 5.00 Ha. in size are also numerous and the same have not been taken into consideration either by the

previous committee or the present one as they did not meet the criteria laid down by the State Government.

Nevertheless, the present assessment of forest areas in the State of Goa irrespective of their ownership provides valuable base line data for the Government agencies to direct their efforts in protecting and helping manage the same as envisaged in the orders of the Hon'ble Supreme Court.

Chairman
State Expert Committee

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1. INTRODUCTION

The Hon'ble Supreme Court with a view to bring complete halt to denudation of forest areas in the country, in their landmark order dated 12.12.1996 **in Writ Petition (Civil) No. 202 of 1995 TN Godvarman Thirumulpad V/S Union of India** directed all the States of India to set up a committee to:

(A) Identify areas which are " Forests " irrespective of Whether they are so notified, recognised or classified under any law, and irrespective of the ownership of the land of such forest;

(B) Identify areas which were earlier forests but stand degraded, denuded, or cleared; and

(C) Identify areas covered by plantation trees belonging to Private persons.

1.1 CONSTITUTION OF THE EXPERT COMMITTEE

In pursuant to the Hon'ble Supreme Court's order referred above, Government of Goa issued a notification No. 8-12-96/FOR (REV) (PART)/ dated 24.01.1997, forming a committee under the Chairmanship of Shri S. M. Sawant. This committee submitted two interim reports in February, 1997 and September, 1997 respectively, which were placed before the Hon'ble Supreme Court. The committee submitted its final report on 08.12.1999. It was examined by the State Government and decided that the report was not

Sawant

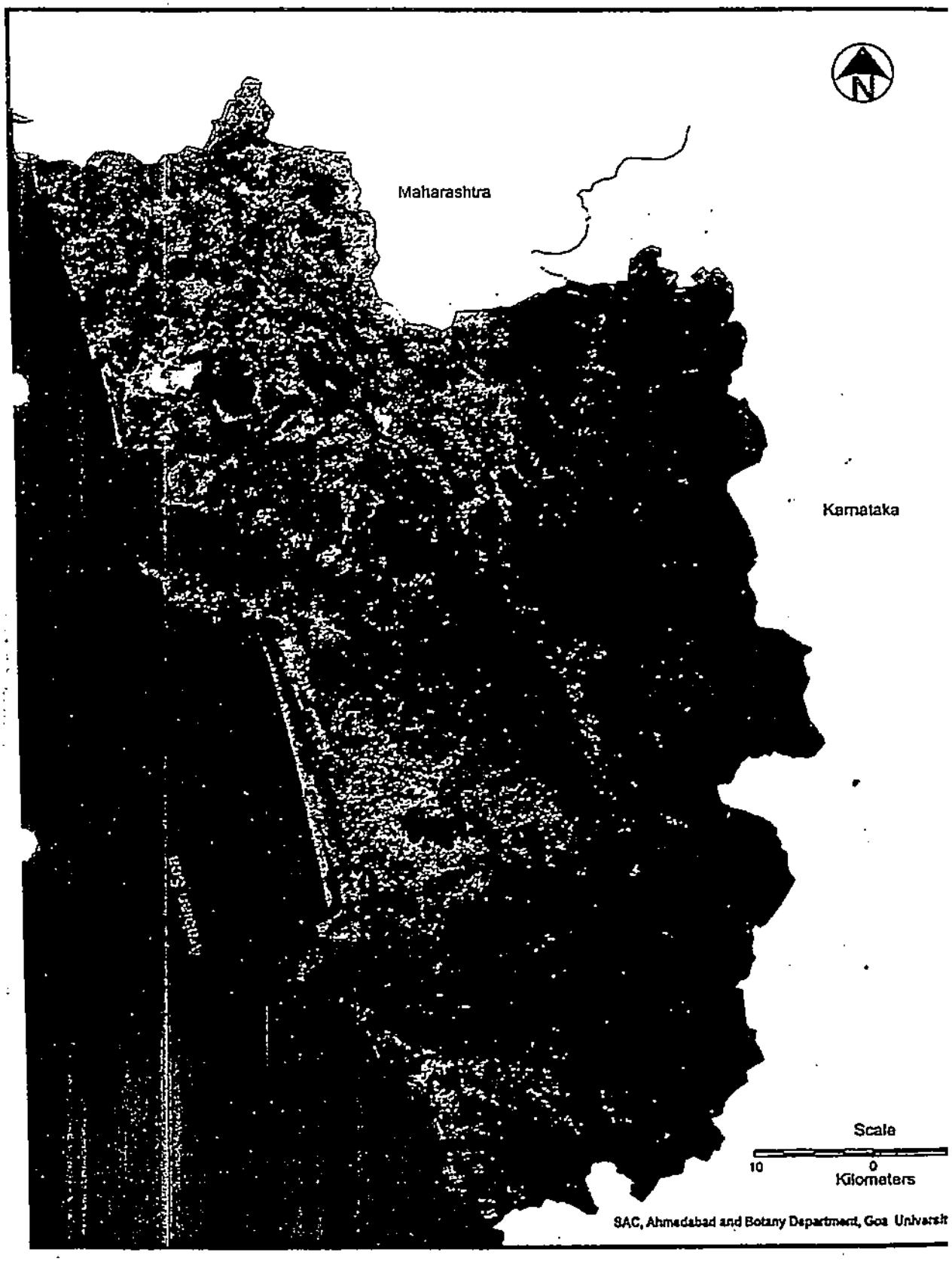
complete and many more areas were yet to be identified. The Government therefore decided to constitute another Committee vide order No. 10/401 (PART – I) /FE /96 dated 04.09.2000. The members of the committee were:

(1)	Dr. Hemant Karapurkar	Chairman
(2)	Conservator of Forests	Member
(3)	Shri Anil Walavalkar, Engineer, Mapusa	Member
(4)	Dr. A. Untawale, N.I.O.	Member
(5)	Shri. R. V. Prabhugaonkar, Journalist.	Member
(6)	Dy. Conservator of Forests (South Goa)	Member .
(7)	Dy. Conservator of Forests (North Goa)	Member Secretary

Terms of the reference of the committee were as follows:

1. To demarcate and to delimit and or otherwise suggest measures; by a proper land survey all those private properties having natural forest standing thereon.

2. To mutate all such identified areas in the land records to show the classification as 'Forests'.


N
Maharashtra
Karnataka
Arabian Sea
Scale
10
0
Kilometers
SAC, Ahmedabad and Botany Department, Goa Universit

CRITERIA

The criteria earmarked for the identification of the properties as Forests was fixed by the Government as follows:

1. 75 % of the composition should be forestry species.

2. The area should be contiguous to the Government forest and if in isolation, should be more than 5 Ha.

3. Canopy density should not be less than 0.4.

1.2 Guidelines laid down by the Committee.

The Committee being aware of the fact that they were required to supplement the task of the earlier Committee viz. Sawant Committee, it was, therefore, agreed upon that Government areas which have been identified by the Sawant Committee falling in any of the categories as contained in the Hon'ble Supreme Court order as reiterated above, should, be taken as such and form the part of the present report. As for, private area falling in the above categories, the areas freshly identified should be separately listed out in addition to the same done by Sawant Committee so as to supplement the information already compiled by the Sawant Committee. Further as Hon'ble Supreme Court are to be provided with complete information on 'Forests' in the State, the Committee decided to compile and present comprehensive information as far as possible in their report.

As regards private forest areas are concerned, the Committee after going through the report of the Sawant Committee, decided to concentrate on following 3 main categories of lands on which either forests / plantations are existing:

1. Plantations on Communidade Lands.

2. Mangroves that have naturally come up on Khazan Lands.

3. Natural forest / tree growth on private lands especially the dongar areas which were earlier not identified by the Sawant Committee.

Further, Committee also deliberated upon the issue of mutation of identified private forest areas in the land records as provided for in terms for reference of the committee. Since this is a subject area on which action can only be taken by the Government particularly the Revenue Department, only after detailed delineation & mapping of forest area is done and exact extent of area in each of survey numbers so identified by the two Committees is known after the detailed land survey by the Forest Department. In view of this position, Committee felt handicapped in taking any action with regard to T.O.R No. 2.

2. METHODOLOGY ADOPTED BY THE COMMITTEE.

Committee were seized with enormous work carried out by Sawant committee who devoted considerable time and energy in collecting data from various sources making field visits, even using Remote Sensing Data etc for the purpose. At the outset, it was therefore, agreed upon by the committee that efforts of the present committee should be to build on/add upon the data already generated by the previous committee and whenever necessary field checking may be carried out to check the same so as to avoid wrong reporting due to any reasons. Since sizeable area (47.59 sq. kms.) under the private ownership was reported as bearing forest cover in accordance with the criteria given to the committee, it was unanimously decided that the affected persons may also be given opportunity to have their say on the issue of identification of their area by the Committee as it would have subsequent effect of application of Forest Conservation Act on their lands. With this objective in mind, an advertisement was taken out through local newspapers etc and visits were planned to various sites by the committee.

The Committee visited some of these sites and checked the representations received from the affected people and made its own judgment. In between, Goa Foundation filed a PIL in Supreme Court in the month of March, 2001. The Hon'ble Supreme Court, while admitting the PIL, passed an Interim Order that nothing contrary to Sawant Committee Final Report be done by the present Committee. Even the Chairman and other members of the Committee were made party to the PIL. This led to engagement of the Government Department as well as Committee members in clarifying the stand of the Government etc before the Hon'ble Supreme Court. It was assured to the Hon'ble court by the Government and on behalf of all the respondents that the committee was primarily working towards identifying the additional areas, if any, so as to complete the task that remained uncompleted by the Sawant Committee. The Hon'ble Supreme Court appreciated the additional work done by the Committee and have directed that they should submit report by January, 2003.

As considerable time was lost due to this PIL and committee was not pretty sure about further course of action required on its part, a state of pandemonium prevailed for quite sometime. The Committee could however, resume its work on receiving State Government's directions in February, 2002 only. Thereafter, 16 nos. of field visits 18 nos. of meetings took place in the Forest Headquarters to complete the work assigned to the Committee.

Due to foregoing reasons and limitation of time, the Committee have not been able to go beyond identification of survey numbers which Committee in its own wisdom and by applying the criterion laid out for the purpose, felt that they are worth reporting. During many a site visits, it was observed that a compact block of natural forests in private area comprised of several part survey nos. which individually do not meet the criterion of 5 ha. However, being looked as a composite block or sometimes being contiguous to Government forests/plantation, they cannot be termed as being non-forest areas. The Committee, therefore, decided to classify them as forests. Some of the areas so identified do not bear forests on the entire survey numbers. Considering the topography of the State, it has been a usual practice from the past to use the land along the lower and middle slopes either under cultivation/plantation while the upland portion covered with natural fresh vegetation was kept intact. In view of this for all

dongar areas, Natural Forests could be seen only on the upper slopes in part area of the Survey numbers. To demarcate/delineate the same on an appropriate map, considerable manpower, resources and time are required. This fact has even bee n communicated to Hon'ble Supreme Court in the affidavit filed by the Government in the aforesaid PIL.

Mangroves are another important forest crop of forestry nature which have come up profusely, in the State of Goa. Due to its significant ecological importance in maintaining equilibrium of marine eco-system, the Committee decided to devote considerable time in visiting and identifying additional mangrove areas than what was reported by the Sawant Committee in its final report. As by their association, mangroves are occurring along the creeks and back waters, identification of both private as well as Government Survey numbers could not be easily facilitated. As such the Committee had to be content with only reporting part of the same, leaving the task of complete mapping and ground surveying by subsequent teams which are proposed for survey and demarcation of all forest areas other than those under control of Forest Department.

Social Forestry plantations on communidade land were undertaken by the Department from the year 1980 onwards. These were not reported in details by the previous Committee. The Committee, therefore, engaged themselves in compiling the data from the Forest Department records so as to enlist all such plantations which are at various age gradations now. As these plantations occurring on communidade land do not get adequate protection status due to nuances of various Acts in force, it would be a good proposition for the State Government to bring them within the purview of forestry regulation so that they remain legally protected from any onslaught either by people or any other agency.

3 FIELD OBSERVATION & COMPILATION OF DATA.

3.1 GOVERNMENT FOREST LANDS

Division	Range	Area (sq.km.)
North	Valpoi	253.82
	Keri	28.82
	Ponda	54.80
	Colem	306.12
	Pernem	15.19
South	Curdi	126.62
	Quepem	71.24
	Sanguem	132.77
	Pissonem	66.43
	Canacona	167.92
	TOTAL	**1223.73**

SOURCE: Working Plans of Forest Department

3.1.1 LIST OF FOREST LANDS INVOLVED IN COURT CASES PENDING BEFORE VARIOUS CIVIL COURTS
(AS RECORDED BY SAWANT COMMITTEE)
(NORTH GOA)

Sr No.	Name of the Court	Case No.	Area(Ha)	Survey No. & Village
1	2	3	4	5
1	Administrative Tribunal Court, Panaji	Land/Revenue/APPL/26/95	282.60	73, Darbandora
2	Civil Court, Quepem	Civil/Suit/89/96		
3	Dy.Collector & S.D.O. Quepem	LRC/EVC/16/88	1.00	65/1, Dudal
4	---do---	LRC/EVC/84/95	1.00	30/1,Sangod
5	---do---	LRC/EVC/2/94/SANG/33/93	2.00	159, Darbandora
6	Collector, Margao.	45/5/96/REV/Cumeri.	4.37	80, Darbandora
7	Dy. Collector & S.D.O. Quepem.		4.00	
8	---do---	LRC/EVC/82/95	0.20	9/2, Sangod
9	---do---	LRC/EVC/40/93/SAN	7.43	40/0, Collem
10	---do---	LRC/EVC/3/83.	0.11	63/4, Mollem
11	---do---	LRC/APPL/47/89	0.26	64, Collem
12	Collector, Margao.	51/1/96	0.06	66/1, Dudal
13	Dy.Collector & S.D.O. Quepem.	LRC/EVC/95	0.66	23, Surla
14	---do---	LRC/EVC/10/95.	0.25	65/1, Dudal
15	Civil Court.	Civil Suite No. 70/91.	38.97	20/1, Melauli
16	Civil Court.	Civil Suit No. 56/97	0.80	9/4, Cudshem
17	Revenue Secretary.	LRC/GDL/Sattari/10/1995.	0.79	9/2,Cudshem

1	2	3	4	5
18	Dy. Collector, North	LRC/MUT/APL/SATT/77.	12 47	2/1, Ansolem
19	Dy. Collector, North	28/437/79/ENC/SAT.	20.44	14/1,3/1 & 5/2, Maloli
20	Dy. Collector,North	GDL/LRC/SAT/9/86.	1.28	18/1 & 19/1, Nanora
21	Dy.Collector, North	GDL/LRC/SAT/4/90	8.52	1/1,23/1,3/2,21/0 Surla
22	Dy. Collector,North	51/82/MUP/2/92.	87.47	13/1,22/3,22/4,22/6, to 22/13,24/1, 25/1 25/5,29/7,29/8,29/9 29/12,29/15 & 30/5, Xelopo-Curdo
23	Dy. Collector, North	GDL/LRC/SAT/2/94.	17.12	16/1,17/4,19/12 Nanora
24	Dy. Collector,North	4/11/93/ENC/SAT/4/47/94.	1.50	7/1 Maloli, 29/1 Ustem
25	Dy. Collector, North	LRC/GDL/3413/SAT/97/4038	4.77	14/1&2/3,Govanem
26	District,Court	Civil Suit No.8/79	175.00	16(part,164,108 to 176,536,177,116/4 Aloma
27	Dy.Collector Court.	1/81/PER/3.1.73	12.00	98/0.99/1-100/1, 107/0,110/0, Keri-Pernem
28	Dy. Collector Court	No.16/21/89	7.55	188/0,Latambarcem Bicholim
29	Dy. Collector Court	No.5/92.	11.13	192/0,Latambarcem
30	Dy. Collector Court	No.1/92.	1.50	337/0,338/0,Aloma
31	Dy. Collector Court	Mag/SR/145/93.	1.00	338/0, Aloma
32	Dy. Collector Court	No.1/94.	22.00	190/0,198/0 Torshem
33	Dy.Collector & S.D.O. Ponda	No.LRC/10/2/97-Boundary/2710	2.82	84/2(part),94/2(part) 94/3(part, 94/4(part) 95/0(part),83/0. Candepar
34	Dy. Collector, Ponda	Case No. Not alloted	0.60	236,237 & 244, Usgao
		Total	731.68	

3.1.2 **LIST OF DISPUTED FOREST LANDS (SOUTH GOA) INVOLVED IN COURT CASES BEFORE VARIOUS CIVIL COURTS AS COMPILED BY SAWANT COMMITTEE**

Sr. No.	Name of the Court	Case No.	Area (Ha.)	Survey No. & Village	
1	2	3	4	5	6
1	District Court, Margao	147/81	4007.9400	11/1, 34/1 to 5	Verlem
2	District Court, Margao	51/82	17.1425	120/1,105/1,114/9,114/8,114/7,113/3 to 6	Colomba
3	District Court, Margao	100/81	1043.2100	25/3,20/1,19/1,18/1,16/1,15/2,12/1,10/1,9/1,5/2, 3/1,2/1,23/3	Mangal
4	District Court, Margao	158/81	-	25/3,20/1,19/1,18/1,16/1,15/2,12/1,10/1,9/1,5/2,3/1,2/1,23/3	Mangal
5	District Court, Margao	310/81	13.4575	8/1,9/1	Portem
6	District Court, Margao	1/85	17.1949	109/1	Netrulim
7	Collector, Margao	13/98/LRC/ Title/AC	627.5000	30/1	Netrulim
8	Collector, Margao	14/98/LRC/ Title/AC	-	30/1	Netrulim
9	Collector, Panaji	LRC/Appeal/2/90	-	34/1 to 5,11/1	Verlem
10	Dy.Collector,Quepem	LRC/Title/11/82	342.4800	53/1,51/1	Vichundrem
11	Dy.Collector,Quepem	34/88/ID/ENQ/ Cotarlim/1945	166.0000	72/1	Colomba
12	Dy.Collector,Quepem	91/88ID/ENQ/Curdi/AC/4091	6.2500	38/1	Curdi

(cont.)

1	2	3	4	5	6
13	Dy.Collector,Quepem	1588/IS/CS/ENQ/187/Mangal	-	2/1,3/1,2,3,5/1,5/12,4,6,7,8,9,7/1,6/1,10/1,12/1,13/1,3,6,15,1,16/1,17/1,18/1,20/1,21/1,22/1,23/1,2,3,24/1,2,25/1,2,3	Mangal
14	Dy.Collector,Quepem	94-88/LS/ENQ/ Netorlim	-	23,30,140	Netrolim
15	Senior Division Court, Quepem	88/96	10.4100	97/1,98/1	Colomba
16	Senior Division Court, Quepem	1/88	3.1825	45/3	Vichundrem
17	Senior Division Court, Quepem	74/94	-	10/1	Mangal
18	Senior Division Court, Quepem	149/88	-	25/3,20/1,19/1,18/1,15/2,16/1,12/1,10/1,9/1,5/2,3/1,2/1	Mangal
19	District Court, Margao	45/88	-	45/3	Vichundrem
20	Dy.Collector,Quepem	LRC/EVC/1/1988/ Encroachment/ Survey	-	45/3	Vichundrem
21	Dy.Collector,Quepem	66/88/AS/PQ/ ENQ/31/62	-	120/1	
22	Dy.Collector,Quepem	LRC/EVC/SAN/1/99	1.9800	21/1	Nundem
23	Dy.Collector,Quepem	LRC/EVC/SAN/25/95	0.9200	6/1	Colomba
24	Dy.Collector,Quepem	LRC/EVC/SAN/24/95	-	6/1	Colomba
25	Dy.Collector,Quepem	LRC/EVC/SAN/ 27/95	-	6/1	Colomba
26	Dy.Collector,Quepem	LRC/EVC/SAN/ 95	5.1500	24/1	Vichundrem

(cont.)

1	2	3	4	5	6
27	High Court	94/94	201.5000	140/1 & 2	Netrulim
28	Dy.Collector,	LRC/Title/5/88	489.0600	114	Barcem
29	Dy.Collector,	LRC/APPL/292/ 96	0.2300	37	Barcem
30	Dy.Collector,	LRC/Title/112/88	72.5600	65	Barcem
31	Senior Division Court,Quepem	56/97/A	-	65	Barcem
32	District Court, Margao	134/81/A	-	65	Barcem
33	Dy.Collector,Quepem	117/88/LD/ENQ/AC	57.8500	58/1	Morpirla
34	Dy.Collector,	LRC/Title/117/88	51.7250	65/1	Morpirla
35	Quepem	28/83	55.7108	76/1	Morpirla
36	Dy.Collector,	LRC/Title/5/ Morpirla/98	23.2000	49/1	Morpirla
37	Senior Division Court,Quepem	44/95	97.8000	85/1	Morpirla
38	Mamlatdar, Quepem	MUT/QUEPEM/16/95	20.0000	4/0	Quedem
39	Tribunal, Panaji	LRC No./1997	37.0000	13	Quisconda
40	Mamlatdar, Quepem	5	10.5000	150/0	Naquerim
41	Dy.Collector,Quepem	LRC/Title/123/80	537.7900	402	Cola
42	Dy.Collector,Quepem	LRC/Title/11/88	-	402	Cola
43	Administrative Tribunal, Panaji	LRA 11/95	20.0000	11\1	Sulcorna

(cont.)

1	2	3	4	5	6
44	Addl.Dist.Court,Margao	8/84	30.9400	41/1	Pirla
45	Addl.Dist.Court,Margao	4/82	6.8775	24/1	Pirla
46	Addl.Dist.Court,Margao	108/81	180.8800	58/1	Maina
47	Addl.Dist.Court,Margao	135/81	-	58/1	Maina
48	Addl.Dist.Court,Margao	136/81	-	58/1	Maina
49	Addl.Dist.Court,Margao	148/81	67.5900	58/1	Maina
50	Dir.of Land Survey	LRC/APPEAL/3/87	40.3975	35/1	Pirla
51	Dy.Collector,Quepem	LRC/104/74/EVC	11.1816	96/0,100/38	Deao
52	Dy.Collector,Quepem	LRC/Title/20/80	33.96	96/0	Deao
53	Dy.Collector,Quepem	LRC/67/88/ENQ	535.5500	109/1,110/16,110/6	Rivona
54	Dy.Collector,Quepem	LRC/49/88/ENQ	10.0000	39/1	Sulcorna
55	Dy.Collector,Quepem	LRC/EVC/26/80	1.2400	13/1to6	Molcorna
56	Dy.Collector,Quepem	LRC/Title/Rivona/7/96	20.1864	194/0	Rivona
57	Dy.Collector,Quepem	LRC/Title/8/90	0.9275	59/11,60/0	Rivona
58	Dy.Collector,Quepem	LRC/Title/1/94	10.8500	18/1	Rivona
59	Dy.Collector,Quepem	LRC/APL/1/78	-	8/1	Cazur
60	Dy.Collector,Quepem	LRC/APL/2/78	60.9100	8/1	Cazur
61	Dy.Collector,Quepem	LRC/APL/3/78	30.9900	41/1	Pirla
62	Dy.Collector,Quepem	LRC/APL/5/78	0.3850	8/1	Cazur

(cont.)

1	2	3	4	5	6
63	Dy.Collector,Quepem	LRC/APL/8/78	23.4800	8/1	Cazur
64	Dy.Collector,Quepem	LRC/APL/9/78	129.6700	10/1,52/1	Sulcoma
65	Dy.Collector,Quepem	LRC/APL/12/78	62.5400	8/1	Cazur
66	Dy.Collector,Quepem	LRC/APL/14/78	23.1500	8/1	Cazur
67	Dy.Collector,Quepem	LRC/APL/15/78	16.7800	8/1	Cazur
68	JMFC, Quepem	C.S. 64/95	230.4500	11/1	Sulcoma
69	Dy.Collector,Quepem	LRC/ENG/CD/Title/116/88	135.9975	65/1	Rivona
70	Dy.Collector,Quepem	44/88/LD/ENG	0.5000	25/1	Bendurdem
71	Dy.Collector,Quepem	LRC/Part/6/85	194.0200	89/1,88/1	Rivona
72	Dy.Collector,Quepem	LRC/CORR/11/90	99.5000	6/1	Nagvem
73	Dy.Collector,Quepem	LRC/EVC/37/77	0.0300	18/1	Rivona
74	District Court, Margao	CM.App/48/97	0.9100	42/2,43/7	Pirla
75	District Court, Margao	CM.App/157/93,C.A.No. 13/93,R.C.S. No62/90	16.7600	8/13,9/1	Cazur
76	Civil Judge Senior Division, Margao	113/91/A	25.1600	247,248,251,264 /6-7-9	Gaondongrem
77	Civil Judge Senior Division, Margao	196/90/A	-	do	Gaondongrem
78	Civil Judge Senior Division, Margao	197/90/A	-	do	Gaondongrem
79	Civil Judge Senior Division, Margao	198/90/A	-	do	Gaondongrem

(cont.)

1	2	3	4	5	6
80	Civil Judge Senior Division, Margao	189/91/A	196.7300	3/0	Gaondongrem
81	Civil Judge Senior Division, Margao	104/94/B	115.1200	37/1	Cotigao
82	District Court, Margao	33/81	431.5200	37	Cotigao
83	District Court, Margao	30/83	338.9800	58/1	Gaondongrem
84	Dy.Collector,Quepem	65/88/LD/ENQ	789.1200	36/3,36/4 & 37	Cotigao
85	Dy.Collector,Quepem	106/88/LD/ENQ	338.9800	38/1	Loliem
86	Dy.Collector,Quepem	107/88/LD/ENQ	49.9000	199	Loliem
87	Dy.Collector,Quepem	71/82/ENQ/LRC	0.9375	42/0	Poinguinim
88	Dy.Collector,Quepem	61/88/LD	-		Loliem
89	Dy.Collector,Quepem	37/88/LD/ENQ	-	199	Loliem
90	Dy.Collector,Quepem	1/88/LRC/Title	-	199	Loliem
91	Dy.Collector,Quepem	32/88-LRC/Title	-	199	Loliem
92	Dy.Collector,Quepem	24/88/LD	-	8/0	Cotigao
93	Dy.Collector,Quepem	26/88/LD	-		
94	Dy.Collector,Quepem	3/88/LRC	11.5025	110/0	Canacona
95	Dy.Collector,Quepem	2/95/LRC/Title	-	199	Loliem
96	Dy.Collector,Quepem	44/88/LD/ENQ	1.2000	229/1	Loliem
97	Dy.Collector,Quepem	LRC/Appl/190/89/61	-	148/1	Gaondongrem
98	Dy.Collector,Quepem	57/88/LD/ENQ/AC	118.99	37/0	Cotigao

(cont.)

1	2	3	4	5	6
99	Dy.Collector,Quepem	96/88/LD/ENQ	260.4560	37/0	Poinguinim
100	Dy.Collector,Quepem	12/88/LRC/Title	-	199/0	Loliem
101	Civil Judge, Margao	154/97/II/Addl	24.0000	137/1	Gaondongrem
102	Dy.Collector,Quepem	11/89/LRC/Title	50.2800	199	Loliem
103	Dy.Collector,Quepem	41/88/LD/ENQ/Loliem	321.6900	229/0	Loliem
104	Dy.Collector,Quepem	60/88/LD/ENQ/AC	845.5500	37/0	Cotigao
105	Dy.Collector,Quepem	38/88/LD/ENQ	-	229/0	Loliem
106	Dy.Collector,Quepem	56/88/LD/ENQ	328.3100	38/1	Loliem
107	Dy.Collector,Quepem	53/89/LRC/Cor	271.839	199/1	Nagorcem-Palolem
108	Civil Judge, Margao	239/97/II/Addl	-	48,51,52	Cotigao
109	Dy.Collector,Quepem	LRC/Title/Poin/12/97	113.1025	39/0	Poinguinim
110	District Court, Margao	LRC/263/91	-	-	Poinguinim
111	Dy. Collector,Addl.Court, Margao	9-98/LRC/II/Appl/Tittle/AC	-	48,51,52	Cotigao
112	Dy.Collector,Quepem	24/88/LRC/Title	-	-	
113	Civil Judge Senior Division, Margao	24/99	-	170/1	Gaondongrem
114	Civil Judge Senior Division, Margao	15/97	6.0000	39/1	Uguem
115	District Court, Margao	11/83	40.4300	21	Naiguinim

(cont.)

1	2	3	4	5	6
116	Civil Judge Senior	64/95	100.0000	34,36,37,38	Villiena
117	Dy.Collector,Quepem	LRC/EVC/64-94	0.1500	92/0	Bhati
118	Dy.Collector,Quepem	LRC/EVC/65/94	0.0320	92/0	Bhati
119	Dy.Collector,Quepem	LRC/EVC/66/94	1.3450	92/0	Bhati
120	Dy.Collector,Quepem	LRC/EVC/67/94	0.4525	92/0	Bhati
121	Dy.Collector,Quepem	LRC/EVC/68/94	0.4675	92/0	Bhati
122	Dy.Collector,Quepem	LRC/EVC/69/94	0.6990	92/0	Bhati
123	Dy.Collector,Quepem	LRC/EVC/70/94	0.0300	92/0	Bhati
124	Dy.Collector,Quepem	LRC/LD/ENQ/101/88	2.0000	8	Comarconda
125	Dy.Collector,Quepem	LRC/EVC/LAN/29/93	2.0000	5	Comarconda
126	Dy.Collector,Quepem	LRC/EVC/35/86	3.0000	5/3	Comarconda
127	Dy.Collector,Quepem	LRC/EVC/74/90	1.2000	5	Comarconda
128	Dy.Collector,Quepem	LRC/Title/1/92	2.1125	24/2	Sanvordem
129	Dy.Collector,Quepem	LRC/Title/LD/17/88	7.3600	2	Comarconda
130	Collector, Margao	APP/PET/12/96	4.0905	10/0	Potrem
131	Collector, Margao	APP/PET/2/96	4.0000	24/1	Patlem
132	Collector, Margao	LRC/Title/44/88	6.0000	5/3	Comarconda
133	Dy.Collector,Quepem	LRC/Title/2/98	9.6500	92/0	Bhati
134	Senior Division Court, Quepem	12/96	21.0000	31/0	Naiquinim
		Total	**14954.97**		

3.2 FORESTS ON REVENUE LANDS

Sr. No.	Taluka	Village	Survey No.	Area Ha.
1	Pernem	Chopdem	Riverbed of Chŏpdem	1.00
2	Sanguem	Piliem	17/1, 19/1,20	30.39
3	Satari	Conquirem	17/3	10.00
4	Pernem	Varcond	37,38	5.00
5	Pernem	Ugem	22/0	5.00
6	Sanguem	Rumbrem	23/1	10.00
7	Sanguem	Potrem	12	8.00
8	Sanguem	Patiem	49(p)	7.00
9	Canacona	Cola	138(p)	4.00
			Total	80.39

3.3 FORESTS ON PRIVATE AREAS

3.3(A) AS IDENTIFIED BY SAWANT COMMITTEE NORTH GOA

Sr. No.	Taluka	Village	Survey No.	Area Ha.
1	2	3	4	5
1		Gaundaulim	15/1,15/5,16/0	5.00
2		Bainguinim	Part of 16/1, part of , part of 31, part of 32	50.00
3		Ella	77,79,136,138	33.98
4	Tiswadi	Gaoli-moula	31/1,39/2	100.00
5		Mandur	43/1	20.00
6		Cujira	Not available	5.00
7		Talaulim	107/1	60.00
8		Latambarcem	764,765,768	20.00
9	Bicholim	Nanora-latambarcem	518	5.00
10		Latambarcem	Not identified	10.00
11		Amthane Latambarcem	Not identified	5.00

(cont.

1	2	3	4	5
12	Bicholim	Sal	Not identified	10.00
13		Dhumasem Mencurem	Not identified	10.00
14		Nanora-latambarcem	Not identified	5.00
15		Nanora-latambarcem	Not identified	5.00
16	Sanguem	Sangod	12/1(p),20/1(p)	40.32
17		Sangod	29/1	20.7625
18		Sangod	33/1Part	18.76
19		Molem	17/1(p)	115.00
20		Darbondora(Tathodi)	100/1	7.69
21		Darbondora	172/1	4.18
22		Darbondora	208/1 Part	5.30
23		Colem	39/2	10.9475
24		Calem/Kalay	71/2(p),74/1(p),96/1(p)	56.00

(cont.)

1	2	3	4	5
25	Sanguem	Dongurli	8/0(p)	5.00
26		Surla	6/0(p)	14.00
27		Surla	16/4 Part	10.00
28		Surla	27/0	0.77
29		Surla	17/4(p),29/0(p)	26.00
30		Surla	33/0(p),37/0(p),67/0(p),10/0(p)	67.25
31		Surla	71/0 Part	31.00
32		Sacordem	33/1(p), 26/1(p)	16.22
33		Cuncoliem	91/0, 88/0	28.75
34		Cuncoliem	90/0	16.36
35	Ponda	Querim	136/1, 137/1	10.00
36	–	Nirancal	45/0,111/0,101/0,103/0,31/3, 72/0,73/0,31/0	62.54
37		Khandepar	120/1 & 120/2	2.00

(cont.)

1	2	3	4	5
38		Shiroda	636/1	10.88
39	Ponda	Borim	357/1	5.00
40		Codar	49/0 (p)	5.00
41		Codal	6/4 -9, 10/1, 10/2, 15/1, 15/3,15/4,22/1-2,23/1-3, 24/0, 6/2, 15/2	212.2875
42		Keri	102/1, 24/1	200.00
43		Ravan	71/0	6.00
44	Satari	Molpona	28/1, 35/1	14.00
45		Naneli	30/1, 29/0	10.00
46		Naneli	32/0(p)	5.00
47		Melauli	54/1	5.00
48		Melauli	11/1, 86/2, 13/1	18.00

(cont.)

1	2	3	4	5
49		Penha de Franca	38/1(p), 40 part, 42(p), 45(p), 39(p), 51(p), 52(p), 84(p), 85(p), 86(p), 92(p), 93(p), 104/1(p), 104/2(p), 105/1(p) 69/4	26.00
50		Reis Magos	Part of 32/1, 41/0, 42/1, 43/0, 45/0, 46/0, 47/1, 48/1, 48/1-A-E,48/2, 48/3, 48/4, 48/5, 49/1, 50/1, 51/1, 51/2, 51/3, 52/1, 53/1, 54/1, 55/1, 56/1, 56/2, 57/1, 57/2, 64/3, 64/5, 63/0(p), 44/0.	93.46
51	Bardez	Marna	Part of 100/9, 100/12, 104/1, 105/1, 105/2, 105/3, 105/24, 105/26, 105/34, 105/39, 105/48, 105/49, 105/50, 105/51, 105/52, 106/0.	15.00
52		Siolim	200(p), 295/1, 295/2	20.00
53		Thivim	Part of 399/1, 399/12, 401(p), 403/1-3, 404/0, 405/0, 366/3-A	23.00
54		Socorro	13/1(p),164(p),164/1-A(p) 164/1B(p),164/1-C(p), 164/1-D(p),164/1E(p),164/1F(p) 164/2(p),165/1-12(p),166/1-2(p) 167/1(p),170/1(p),171/1(p), 172/1(p),260/1(p),261/1A(p), 261/1b(p),261/1c(p),173(p), 174(p),268(p),278(p),291(p), 292(p),301(p),303(p),304(p), 305(p),307(p),308(p).	50.00

(cont.)

1	2	3	4	5
55		Salvador do Mundo	233/1,233/2,235/0,236/0,237/0, 239/1,239/2,266/0,274/0	80.00
56		Salvador do Mundo	127/1,127/2,127/3,132/0,129/1	8.6975
57	Bardez	Pomburpa	Parts of 9/1, 12/1, 13/1, 16/2	30.00
58		Colvale	87/1,158/1,158/2,158/3,158/4	5.00
59		Pilerne	part of 17/1, 17/1-A, 17/1-B, 23/1, 23/1-a, 31/1, 30/1, 22/1	60.00
60		Verla	94/1(p), 95/1-3,95/5-7,110/2-6, 110/13-14	5.00
61		Assagao	Part of 188/1-12, 189/1-5, 194/1-5, 195/1, 195/4	5.00
62		Arpora	62/0, 63/0, 64/0, 71/1-6, 72/0, 73/1-4, 81/1-A, 81/2-4, 81/6-7, 83/0, 84/1-5, 92/1-5, 93/1-2	50.00
63		Dhargal	340(p),339(p),337(p),336(p)	40.00
64		Casarvornem	6(p),7(p),270(p), 271(p)	10.00
65		Pernem	339/0(p)	10.00
66		Vazari-Madcai	Not identified	5.00

(cont.)

1	2	3	4	5
67	Pernem	Pernem	Not identified	10.00
68		Tuem	Not identified	5.00
69		Alorna	Not identified	5.00
			Total	19.60 sq. km

3.3(B) AS IDENTIFIED BY SAWANT COMMITTEE
SOUTH GOA

Sr. No.	Taluka	Village	Survey No.	Area in ha.
1	2	3	4	5
1	Canacona	Loliem	214(p),328/2,328/3, 246/1	235.56
2		Poinguinim	259/1,258/4,260/1, 113/0,2/1,41/1,269/1, 270/1,165/1,156/1, 191(p)	385.29
3		Gaondongrem	168/1,166/1,153/1, 154/1,155/1,158/1	170.74
4		Cola	27(p),106,111(p),148(p),125 to 130(p), 60/2,34(p)	91.40
5		Agonda	63(p),73(p),74(p)	15.00
6	Salcete	Raia	297(p),334(p),201(p),200(p),397(p),363(p),364(p),362(p),398,(p),400(p),401(p)	25.00
7		Loutolim	165(p),166(p),154(p),160(p),167(p),193(p),194(p),201(p), 202(p)	26.00
8		Curtorim	232/3 & adjoining area	5.00
9		Verna	65(p), 88(p), 64(p)	5.00
10		Camurlim	N. A.	5.00

(cont.)

1	2	3	4	6
11		Zanodem	10(p),11(p),13(p),14(p)	100.00
12		Pirla	6(p),9(p),38/1,39/1, 43(p), 44(p)	110.00
13		Sulcorna	15(p),16(p),17(p),27(p), 28(p),4(p)	125.00
14		Ambaulim	N. A.	5.00
15		Xeldem	10(p)	10.00
16		Sirvoi	86(p),87(p), 88(p),89(p), 147(p),148(p),149(p)	150.00
17	Quepem	Malcornem	46(p),47(p), 48(p),39(p), 82(p),83(p)	150.00
18		Xic Xelvona	1(p),32(p), 33(p)	8.00
19		Xelvona	26(p),28(p)	8.00
20		Naquerim	N.A.	50.00
21		Nagvem	N.A.	10.00
22		Assolda	45(p),46(p)	5.00
23		Odar	14(p),36(p)	4.00
24		Undorna	17(p)	20.00
25		Padi	22(p),25(p), 26(p),27(p)	40.00
26		Paroda/Mulem	N.A.	150.00
27		Quedem	30(p)	2.00

(cont.)

1	2	3	4	5
28		Maina	16/1	7.00
29		Rivona	107 & 108	50.00
30		Neturlim	146(p)21(p), 105(p)	15.00
31		Colomba	48(p),57(p),68(p),144(p)	60.00
32		Curdi	39(p),29(p)	60.00
33		Ugem	39,82(p),68	135.00
34	Sanguem	Ugem	Not available	50.00
35		Bati	28(p),61	22.00
36		Patiem	11(p)	20.00
37		Cumbari	18(p)	20.00
38		Villiena	11(p)	25.00
39		Cormonem	Not available	15.00
40		Bati	Not available	20.00
41		Naiquinim	1	15.00
42		Rumbrem	9(p),10(p)	40.00
43		Codli	41(p)	30.00
44		Netorlim	21,105	10.00
45		Verlem	14(p),18(p) 19(p),22(p)	100.00
46		Tudou	5, 6, 19	16.00

(cont.)

1	2	3	4	5
47	MARMAGAO	Potrem	31,32,34	10.00
48		Curpem	5(p)	10.00
49		Sancoale	69(p),54(p)	20.00
50		Grande Island & St. George Island		40.00
			Total	2728.99

3.3(C) NEW PRIVATE FOREST AREAS IDENTIFIED BY THE KARAPURKAR COMMITTEE NORTH GOA

Sr. no.	Taluka	Village	Survey Nos.	Area(ha.)	Remarks
1	Tiswadi	Siridao	41 42 43 44 48 49 50 51 53 54 55	0.43 9.02 2.28 1.77 2.27 11.63 4.28 3.64 2.58 4.02 2.51 44.44	All survey numbers are contiguous & taken together form a compact forest block. Some clearance has taken place in coconut plantations in part of the area adjacent to the tar road.
		Telaulim	99\0 106/1 98\0 97\6 97\5 97\4 97\3 97\2 97\1 107\2	46.19 99.01 23.53 0.07 2.1 1.51 0.83 1.00 14.21 0.26 188.71	All Survey Numbers consist of forest blocks.
		Curca	25 41 44	6.16 18.20 13.76 38.12	
		Neura-o-Piqueno	23(part)	29.00	Part of the sy. no. consists of natural vegetation & the rest area bears sparse cashew plantation.

(cont.)

Sr. no.	Taluka	Village	Survey Nos.	Area(ha.)	Remarks
		Morambi-o-Grande	256	5.20	All sy. nos. taken together form compact forest block except some lower areas along the roadside being utilised for residential purposes.
			257	4.73	
			232	4.21	
			230	4.33	
			229	13.37	
			258	0.60	
			259	5.15	
			231	6.11	
			227	2.48	
			225	0.72	
			224	7.80	
			226	3.27	
				56.98	
		Chimbel	40/1	48.44	
			40/0	5.62	
			42/2	45.29	
				99.35	
		Batim	18\1	19.56	
		Azossim	34\0	42	
			8\1	30.00	
				72.00	
2	Bardez	Nachinola	71	51.98	All sy. nos. together form compact forest blocks
			72	12.02	
			75	6.13	
			78	4.62	
			80	2.16	
			67\11	1.02	
				77.93	
		Pomburpa	82(part)	24.49	All sy. nos. combined together form compact fores blocks.
			74	10.67	
			71	9.45	
			54	14.26	
			33	10.88	
			35	0.41	
			29	20.16	
			40	5.88	

(cont

Sr. no.	Taluka	Village	Survey Nos.	Area(ha.)	Remarks
			50	6.26	
			61	4.12	
			15	4.84	
			27	9.15	
				120.57	
		Xelpem Damedem Acoi Cunchelim (MAUPSAMUNICIPAL LIMITS)	PTS No. 44, 45, 47 48, 49, 64, 65 & 66 10, 11, 14, 33, 35, 55, 57, 58, 73, 74, 75, 76, 77, 78, 79, 80, 81, 102, 103	 28.00 102.64	The Committee observed that part of the forest area has been cleared for construction of road for the purpose of developing the same into residential colony. The same is required to be stopped forthwith. Lower slopes and the plain land down below are having plantation crop and paddy fields & a few mundkarial houses. Upper slopes of the dongar consist of natural vegetation while the lower parts are already developed. Developed area can be separated from the natural forest by carrying out detailed ground survey.
		Siolim	190/0 222/0 225/0 298/0 297/0 245/1	22.12 55.2 13.77 5.14 8.01 9.18 113.42	All sy. nos. combined together form compact forest blocks.
		Assagao	160/1 66/1 115/1 198/1 110/1	13.61 9.94 13.23 22.45 54.35	All sy. nos. taken together form compact blocks of forestry nature.

(cont.)

Sr. no.	Taluka	Village	Survey Nos.	Area	Remarks
			131/1	24.28	
			159/1	11.66	
			145/1	49.52	
			144/1	28.1	
			100/1	18.45	
			99/1	18.47	
				264.08	
3	Ponda	Cuncoliem	92\2	13.27	
			14\2	9.1	
				22.37	
		Shiroda	557\1	17.58	
			605\1	6.88	
				24.46	
		Usgao	224\1	21.74	
		[redacted]	[redacted]	8.08	These sy. no. form compact
			158\1	3.37	forest blocks.
			159\1	11.77	
			161\1	9.56	
			162\1	1.52	
			162\2	2.44	
			163\2	1.52	
				38.26	
4	Sattari	Keri	24\2	10.00	
			93	10.00	
			89	10.00	
				30.00	
		Ansolem	2\1 (p)	12.47	
			6\1 (p)	16.5	
			1\2	9.9	
				38.87	
		Naguem	7\2	14.4	
		Saleli	73\2(p)	241.4	
		Veluz	75\1	15.66	
		Dhavem	37\1	10.16	
		Poriem	91\1	8.16	
5	Pernem	Korgao	808\0	22.36	
		Pernem	119 (p)	8.00	
				1716.66	

-263305

NEW PRIVATE FOREST AREAS IDENTIFIED BY THE KARAPURKAR COMMITTEE

SOUTH GOA

Sr. no.	Taluka	Village	Survey Nos.	Area(ha.)	Remarks
6	Sanguem	Sigonem	2 3	5.92 5.74 **11.6**	
		Rivona	126 127 141(p)	5.59 10.28 20.00 **35.87**	
		Sangod	18\1	21.66	
		Agalote	62\1	9.02	
		Colem	36\0	16.16	
		Piliem	17\1 18\1 19\1 20\1	2.41 1.45 9.80 19.68 **33.34**	
		Sacordem	29/1	25	
		Dharbandora	208/1	42.36	The area consists of forest growth on the upper slope. There is a small patch down below which has cashew plantation.
7	Quepem	Sulcorna	12(p)	10.00	
8	Canacona	Loliem	253 to 258	20	Part of the area is abandoned paddy fields, only small area is cultivated. Rest all consists of natural forest.
9	Salcette	Raia	361	54.145	
		Curtorim	186, 187	7.26	
10	Mormugao	Sancoale	55(p) & 56(p)	15.00	Contiguous with forests
				301.41	

GRAND TOTAL 2018.07

3.3 E REFERENCES RECEIVED BY THE EXPERT COMMITTEE AND REPORT THEREON

The previous and the present Expert Committee received following references about private areas for carrying out site inspection and to report position thereof.

1. Property No. 69/4 at Penhe de France belonging to Tata Housing Development Company.
2. Lease No. 42/56 of Kunda Garse in village Tudou of Sanguem Taluka.
3. Property at Sy. No.23 of Neura-o- Pequeno belonging to Shyam Kamat of Sterling Abode.

Sawant Committee received the first reference quoted above in connection with Writ Petition No. 273/97 filed by Goa Foundation in the High Court of Bombay, Goa Bench. The Committee carried out site inspection and submitted report on 22.4.98 which was forwarded to the Hon'ble Court vide CF letter No. 10/421/FD/97/325/23 dated 23.4.98. The said area was identified as private forest being contiguous to forest in adjoining survey numbers.

As regards lease No.42/56 Kunda Gharse in Village Tudou of Sanguem Taluka is concerned, the present committee has noted that the Survey No.5, 6 and 19 totaling about 16 ha, which fall in the aforesaid lease are already identified as private forest by the Sawant Committee. Regarding survey and delineation of actual forest area from the said lease, the committee felt that this is required to be done for all the survey numbers identified by the committee after government decides to engage teams consisting of surveyors etc of Forest Department for this specific purpose. The committee on going through the records have also noted that renewal application for the lease had been rejected by the State Government and thereafter appeal filed by the lessee under MMRD Act has also been turned down by the Department of Mines, Government of India. In view of this, there may not be any urgency as such to survey and delineate the private forest area which can be done together with other private survey number identified and listed as above in the Report.

The committee inspected the property at Sy. No.23 of Neura-o-Pequeno. It is observed that past area of the sy. no. is covered with natural forest growth while rest is having cashew trees growing sparsely over the area. Forest area from the said sy.no. can be delineated by carrying out actual ground survey.

3.4 PLANTATIONS

3.4.1 PLANTATIONS BELONGING TO GOVERNMENT ON 'GOVERNMENT FOREST LANDS'

Sr. No.	Species	Area in Ha.
1	Teak	9507
2	Eucalyptus	5204
3	Bamboo	223
4	Cashew	11196
5	Rubber	851
6	Acrocarpus	226
7	Casuarina	768
	TOTAL	27975

Source: Forest Department: Goa Forests 'A Statistical Report' - 1999

3.4.2 (A) SOCIAL FORESTRY PLANTATION ON COMMUNIDAD LAND NORTH GOA DIVISION

Sr.No	Taluka	Village/City	Survey No.	Area in ha.
1	Bardez	Nanodora	4-part,5,6,7, part 89 part 90,91,92,93	
		Revora	83 part, 84, 113 part, 114 part, 176	
		Shirsaim	12,15,16,10 & 25	600.00 Ha.
		Assonora	91,93,94,100, 102/1-A,2, 111 & 102	
		Pirna	3,4,175,194(part)195,196	
		Saligao	132/1, 154/1	12.00 Ha.
		Saligao	169/1	10.00 Ha.
		Pirna	296/0 & 308/0	1.00 Ha.
		Anjuna	496	67.00 Ha.
		Anjuna	357/1	3.5 Ha.
		Verna	62/1, 65/0	26.00 Ha.
		Assagao	198 & 160-Part	25.50 Ha.
		Assagao	67,68,99,100,110-Part	79.00 Ha.
		Maina-Siolim	106/0 & 107/0	17.50 Ha.
		Assagao	110,115,130-Part	57.00 Ha.
		Nerul	91/1 & 95/1	15.00 Ha.
		Reis Magos	26/3,88/1,91/1,93/0	9.25 Ha.
		Calangute	29/1	28.75 Ha.
		Sangolda	94/15,94/16,94/17,24/1 & 86/6	18.50 Ha.
		Assagao	130/1,132/1,144/4, 160/1	62.00 Ha.
		Pilerna		4.00 Ha.
		Sangolda	81/1, 84/1	2.00 Ha.
2	Bicholim	Keri	1/0 & 111	40.00 Ha.
		Keri	75,93	20.00 Ha.
		Parra	30/0 & 34/0	30.00 Ha.
		Parra	36/0,212/1,213/1 & 214	30.00 Ha.
		Keri	27/1,29/1,30/1,49/1,74/1	30.00 Ha.
		Verla	60/0 & 92/1	14.00 Ha.
		Verla	71/0 &79/1	24.00 Ha.
		Verla	63	9.00 Ha.
		Parra	25/0 & 29/1	21.00 Ha.
		Verla	79/1, 92/2	28.00 Ha.

1	2	3	4	5
3	Ponda	Usgao	201,216,226,227	300.00 Ha.
		Nirankal	22,3,13	100.00 Ha.
		Usgao	296/0 & 308/0	105.00 Ha.
		Codar	63	98.00 Ha.
		Usgao	296/0 & 308/0	25.00 Ha.
		Olaulim	5/0 & 8/1	3.10 Ha.
		Undir Bandora	99/1, 101	16.00 Ha.
			TOTAL	**1931.10 Ha.**

3.4.2 (B) SOCIAL FORESTRY PLANTATION ON COMMUNIDAD LAND SOUTH GOA DIVISION

Sr.No	Taluka	Village/City	Survey No.	Area in ha.
1	Canacona	Poinguinim	113 & 131/1	155.00 Ha.
2	Quepem	Cuncolim	54/0	103.00 Ha.
		Fatorpa	17/1	30.00 Ha.
		Cusmone	53	60.00 Ha.
		Fatorpa	21	25.00 Ha.
		Kakoda	50/2,56/1,57/2,171/1	35.00 Ha.
		Kakoda	165/1,167/1,170/1	45.00 Ha.
		Molcorene	24/1	23.00 Ha.
		Cotombi	85/0	5.00 Ha.
		Dicarpal	27/0	17.00 Ha.
		Adnem	35/1,36/1,37/1 & 38/1	20.00 Ha.
		Quital	35/1,36/1,46/1,47/1 & 57/1(Part)	50.00 Ha.
		Cotombi	73	2.00 Ha.
		Cusmone	53	30.00 Ha.
		Cusmone	53/1	21.00 Ha.
		Avedem	8/13,32/3	3.45 Ha.
3	Salcette	Margao	Chalta No.14 P.T.Sheet No.177	5.00 Ha.
		Malangini	425/1 & 426/1	40.00 Ha.
		Cuncolim	339/1	14.00 Ha.
		Cuncolim		30.00 Ha.
		Curtorim	274/1	37.00 Ha.
		Curtorim	91/1,125/1,126/1,134/1 & 130/1	37.00 Ha.
		Cuncolim	339 & 338	30.00 Ha.
		Curtorim	230/3	35.00 Ha.
		Curtorim	279/1	17.00 Ha.
		Curtorim	275/1	13.5 Ha.
		Panzorconim	75/1	9.5 Ha.
		Sarzora	84/1	8.00 Ha.
		Sarzora	27/1 & 28/1	56.00 Ha.
		Sarzora	211/1, 212/1 & 26/1	98.00 Ha.
		Cuncolim	74/1	6.00 Ha.
		Naquerim	49/0, 81/0	38.00 Ha.

(cont.)

1	2	3	4	5
		Assoldem Sarzora	1/3 & 40/1 28/1	10.19 Ha. 27.00 Ha.
4	Sanguem	Rivona	185/1	56.00 Ha.
			TOTAL	1191.64 Ha.

3.4.3 (A) CANAL BANK PLANTATION (NORTH GOA)

Sr.No.	Taluka	Village/City	Area in R.kms.
1		4	5
1	Bicholim	Keri	5.00 R.Kms.
		Keri	60.00 R.Kms.
		Keri	118.00 R.Kms.
		Keri	36.00 R.Kms.
2	Pernem	Dodamarg	130.00 R.Kms.
		Tirali - Dodamarg	130.00 R.Kms.
		Tirali - Dodamarg	27.8 R.Kms.
		TOTAL or say	**506.8 R. Kms. 2.53 sq. kms.**

3.4.3 (B)

ROAD SIDE PLANTATION
(NORTH GOA)

Sl No.	Taluka	Village/City	Area in R.kms
1	2	3	4
1	Bardez	Kasarwada/Mapusa Mapusa Mapusa Porvorim Mapusa	20.00 R.Kms. 60.00 R.Kms. 50.00 R.Kms. 20.00 R.Kms. 13.20 R.Kms.
2	Bicholim	Naveli-Sanquelim Navelim to Amona Sirdona Sirdona	15.00 Ha. 24.00 R.Kms. 15.00 R Kms. 15.00 R.Kms.
3	Pernem	Patradevi Patradevi Pernem Dhargal Sal-Kasarpal	50.00 R.Kms 37.00 R.Kms. 20.00 R.Kms. 20.00 R.Kms. 31.6 R.Kms.
4	Sattari	Honda to Morlem Morlem	7.5 Ha. 12.00 R.Kms.
		TOTAL **or say**	**395.80 R. kms.** **22.50 Ha.** **2.20 sq. kms.**

3.4.3 (D)

OTHER PLANTATIONS
(NORTH GOA)

Sr.No.	Taluka	Village/City	Area in Ha.
1	2	3	4
1	Bardez	Chapora	15.00 Ha
2	Bicholim	Sanquelim Sirgao	0.5 Ha. 8.5 Ha
3	Tiswadi	Bambolim	1.5 Ha.
		TOTAL **or say**	**25.50 Ha.** **0.26 sq. kms.**

3.4.3(E)

TOURISM PLANTATION
(NORTH GOA)

Sr.No	Taluka	Village/City	Area in ha/R.Kms..
1	2	3	5
1	Bardez	Candolim Vagator Anjuna Calangute	1.2 Ha. 1.5 Ha. 5.00 Ha.
2	Pernem	Sal-Kolpe	40.00 R.Kms.
3	Ponda	Farmagudi	7.00 Ha.
		TOTAL **or say**	**14.70 Ha.** **40.00 R. kms.** **0.35 sq. kms.**

3.4.3(F) **CANAL BANK PLANTATION (SOUTH GOA)**

Sr.No.	Taluka	Village/City	Area in R.kms.
1	2	3	4
1	Quepem	Quepem	100.00 R.Kms.
		Cotombi	1.00 R.Kms.
		Assolda	15.00 R.Kms.
		Assolda	2.00 R.Kms.
		Goval	15.00 R.Kms.
		Accomol	39.00 R.Kms.
		Sheldem	20.00 R.Kms.
		Kortali	11.00 R.Kms.
		Cotombi	13.00 R.Kms.
		Kakoda	6.00 R.Kms.
		Kumarwada	11.00 R.Kms.
		Assolda	10.00 R.Kms.
		Kakoda	10.00 R.Kms
		Quepem	8.00 R.Kms.
		Ambaulim	18.00 R.Kms.
		Demani	5.00 R.Kms.
		Amona	15.00 R.Kms.
		Avedem	17.00 R.Kms.
		Cotombi	10.00 R.Kms.
		Sheldem	21.00 Ha.

(Cont.)

Sr.No.	Taluka	Village/City	Area in R.kms.
1	2	3	4
	Quepem	Sheldem	5.5 R.Kms.
		Gudi	33.00 R.Kms.
		Assolda	40.00 R.Kms.
		Mullem	34.00 R.Kms.
		Curchorem	4.00 R.Kms.
		Demane	12.00 R.Kms.
		Dandiwadi	13.5 R.Kms.
		Catorli	27.5 R.Kms.
2	Salcette	St.Jose Areal	48.00 R.Kms.
			543.50 R. kms.
			21.00 Ha.
		or say	**2.62 sq. kms.**
			0.21 sq. kms.
		TOTAL	**2.83 sq. kms.**

3.4.3 (G) **ROAD SIDE PLANTATION**
(SOUTH GOA)

Sr.No.	Taluka	Village/City	Area in R.kms.
1	2	3	4
1	Quepem	Assolda	1.5 R.Kms.
		Assolda	10.00 R.Kms.
		Cotombi	12.00 R.Kms.
		Assolda	16.5 R.Kms.
		TOTAL	**40 R. kms.**
		or say	**0.2 sq. kms.**

3.4.3 (H) **SEA SHORE PLANTATION**
(SOUTH GOA)

Sr.No.	Taluka	Village/City	Area in R.kms.
1	2	3	4
1	Salcette	Benaulim	10.00 R.Kms.
2	Mormugao	Baina	0.5 Ha.
			10.00 R. kms.
			0.5 Ha.
		or say	**0.05 sq. kms.**
			0.005 sq. kms.

3.4.3 (I) **RAILWAY PLANTATION**
(SOUTH GOA)

Sr.No.	Taluka	Village/City	Area in R.kms.
1		4	5
1	Salcette	St.Jose de Areal	10.00 R.Kms.
2		Chandor	11.00 R.Kms.
		TOTAL	**21.00 Kms.**
		or say	**0.105 sq. kms.**

3.4.4 **PLANTATIONS ON DEVALAYA LANDS**
(SOUTH GOA)

Sr.No.	Taluka	Village/City	Area in R.kms.
1	2	3	4
1	Quepem	Paroda	100.00 Ha.
		Ambaulim	100.00 Ha.
		Paroda	200.00 Ha.
		Paroda	100.00 Ha.
		Talwada	44.00 Ha.
		Paroda	7.00 Ha.
		Mullem	2.90 Ha.
		Paroda	7.50 Ha.
		Paroda	8.00 Ha.
		Paroda	35.00 Ha.
		Paroda	25.00 Ha.
		Mullem	20.38 Ha.
		TOTAL or say	**649.78 6.50 sq.kms.**

3.4.5 PLANTATIONS BELONGING TO PRIVATE PERSONS

Sr. No.	Taluka	Coconut	Arecanut	Cashew	Miscellaneous	Total
1	Tiswadi	1697	4	4118	143	5962
2	Bardez	2932	2	6259	29	9222
3	Pernem	1567	1	8011	0	9579
4	Bicholim	1477	64	7419	45	9005
5	Satari	863	322	9294	4	10483
6	Ponda	2410	907	3234	349	6900
7	Sanguem	2892	75	6578	10	9555
8	Canacona	1642	35	3035	0	4712
9	Quepem	2077	37	2339	0	4453
10	Salcete	6015	-	1695	0	7710
11	Mormugao	1216	3	322	0	.1541
	TOTAL	24788	1450	52304	580	79122

3.5 MANGROVE FORESTS IN STATE OF GOA.

Mangroves are the tidal forests, which are found along the estuaries, backwaters and creeks. This is one of the highly productive ecosystems, which is rich in the biodiversity. The State of Goa is situated along the central west coast of India. The Mandovi, Zuari estuaries, along the Cumbarjua Canal is the largest estuarine complex with maximum mangrove area covered. There are seven estuaries like Terekhol, Chapora, Mandovi, Zuari with interconnecting Cumbarjua canal, Sal, Talpona and Galgibag. Physical data of these estuaries is shown in the following table

Estuary	Estuarine or Riverine area (in ha)	Mangrove Area (in ha)	Mangrove(%)
Terekhol	390.0	30	8.6
Chapora	711.0	100	14.0
Mandovi	5564.0	700	12.6
Zuari	5790.0	900	15.5
Cumbarjua canal	375.0	200	53.3
Sal	302.0	30	9.9
Talpona	40.0	20	25.0
Galgibag	26.0	20	76.9
Total	131574.0	2000	15.1

Mangrove forests of Goa mostly are either the Government property or the private ownership. Untawale et al (1980) estimated about 2000 ha of mangroves in Goa(Table 1). This had some limitations, since all the minor creeks and backwaters were not included. An effort was made by Research Division of Forest Department in Goa to assess the mangrove areas in different Talukas part of which may be falling in rivulet/estuaries and part on the private sy. Nos located all along the same. As per this

estimation total area estimate for the mangrove is other than those which are under the control of Forest Department inform of plantations and those falling in Chorao Bird Sanctuary comes out to be 2905 ha. Details are as under:

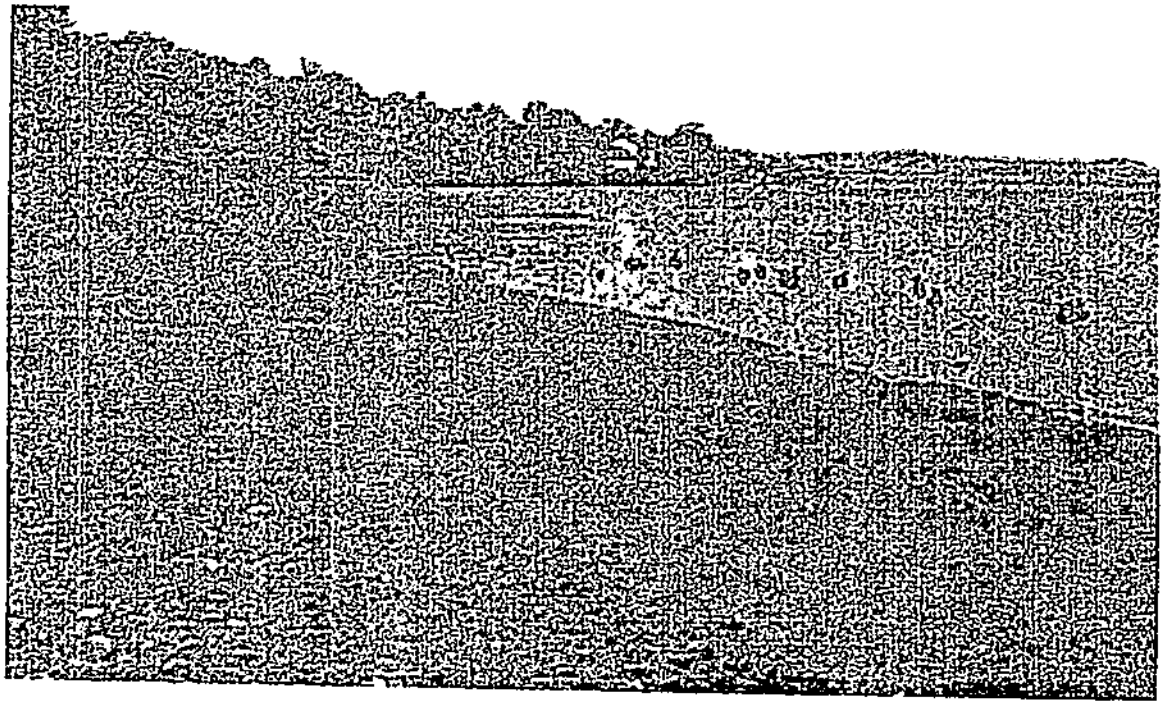
List of Private Mangrove Growth in Goa

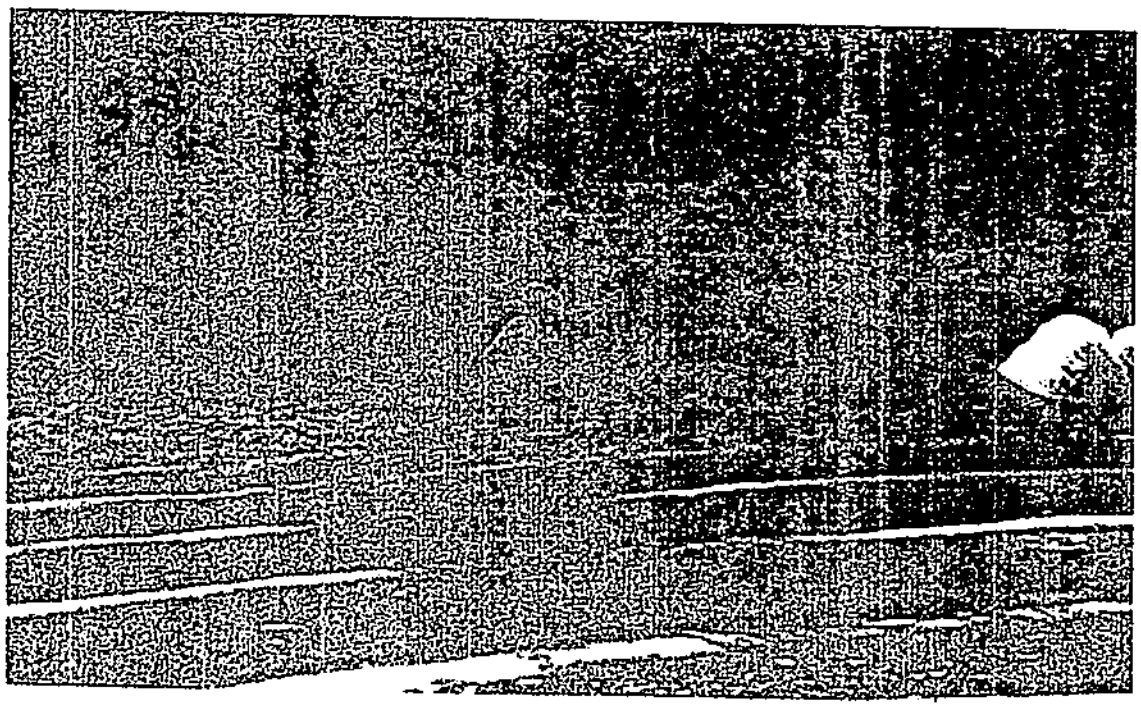
Sr. No.	Taluka	Location	Approximate area in has.
1	Salcete	Loutolim	350.00 ha
2	-do-	Assolna	100.00 ha
3	-do-	Chinchinim	360.00 ha
4	Ponda	Shiroda	330.00 ha
5	-do-	Borim	530.00 ha
6	Tiswadi	Santan	150.00 ha
7	-do-	Chorao	150.00 ha
8	-do-	Goa Velha	5.00 ha
9	Bicholim	Sirigao	107.00 ha
10	-do-	Mulgao	22.00 ha
11	Bardez	Salvador-do-Mundo	100.00 ha
12	Bardez	Siolim	45.00 ha
13	-do-	Revora	12.00 ha
14	-do-	Ecoxim	50.00 ha
15	-do-	Tivim	50.00 ha
16	Pernem	Pernem	124.00 ha
17	Mormagoa	Quelocim	400.00 ha
		Total	2905.00 ha

Mangrove plantation:

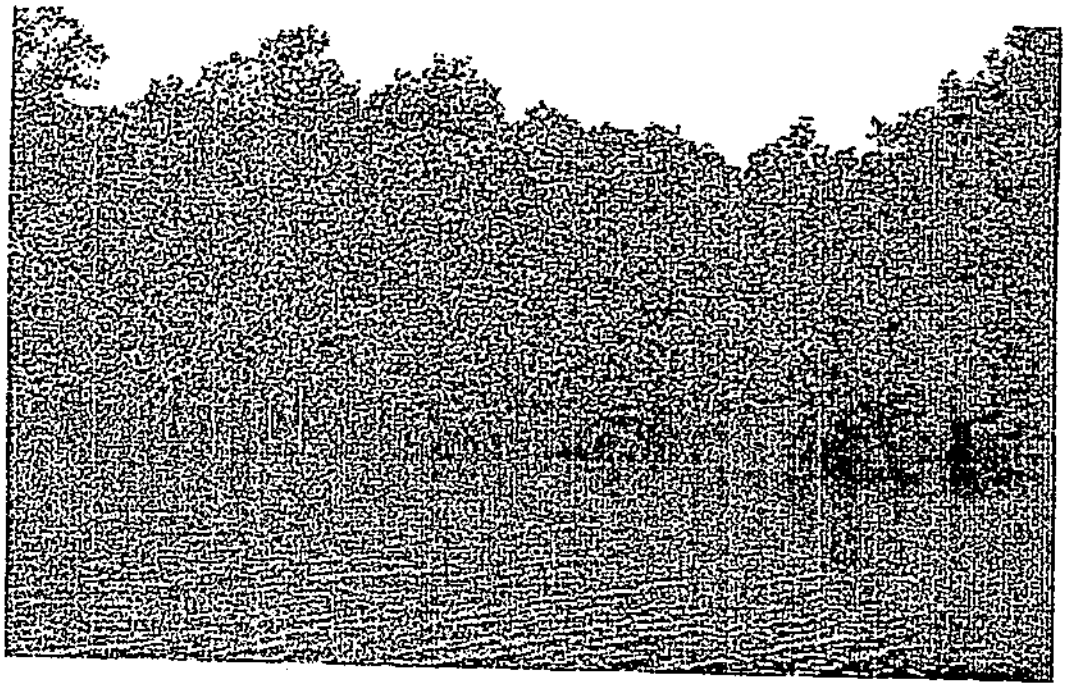
Since 1985 Forest Department of Goa Government has taken up large scale mangrove plantation programme along the open intertidal mudbanks of the estuaries. According to the Forest Department records from 1991 to 2002 almost 1078.30 ha of mangrove plantation has been undertaken as per details given below:

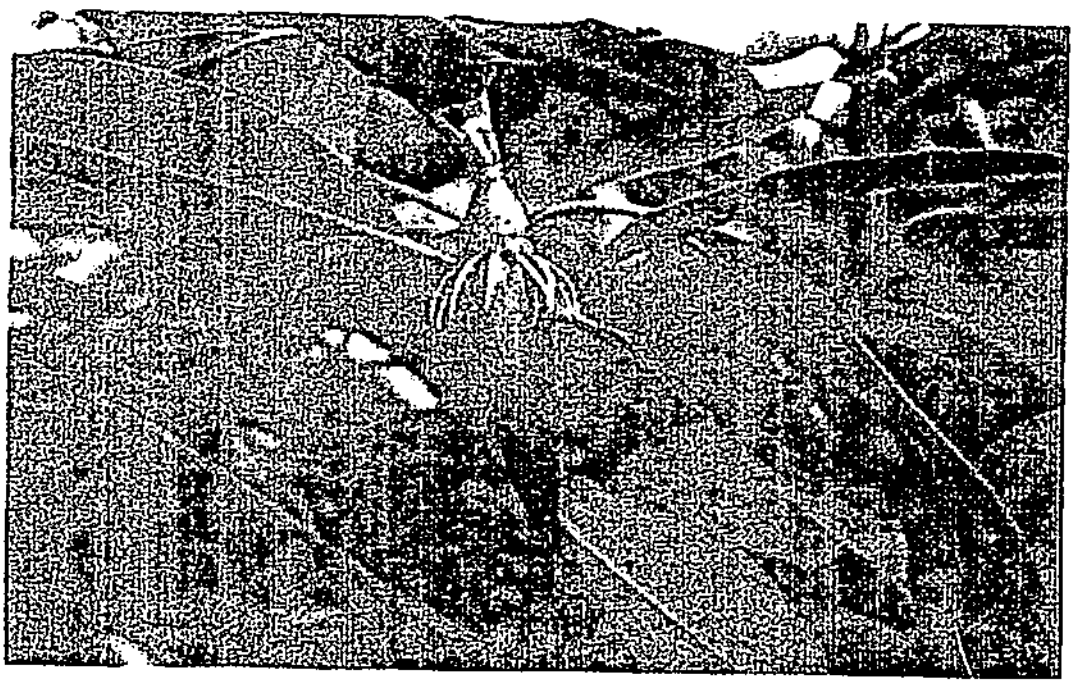
MANGROVES OF GOA





MANGROVES OF GOA





Details of Mangrove Plantation raised by Forest Department, Goa

Taluka	Location	Area(ha)	
Tiswadi	Chorao-Dhavji	48.80	
	Kumbharjua Canal	35.20	
	Ribander	10.00	
	Diwar-Old Goa	12.00	
	Gaundalim-Old Goa	05.00	111.00
Bardez	Mapusa river	24.00	
	Chorao		
	Mapusa-Ekoshi	100.00	
	Mapusa river	84.80	
	Camurlim-Colvale	50.00	
	Camurlim	50.00	
	Camurlim-Vagali	12.00	
	Colvale	61.50	382.30
Pernem	Terekhol Estuary	50.00	
	Terekhol	40.00	
	Vaidongor-Tuyem	12.00	102.00
Bicholim	Amona-Betki	30.00	30.00
Ponda	Borim-Shiroda	40.00	
	Mankem-Shiroda	48.50	
	Zuari River at Madkai	26.00	
	Madkai	40.00	
	Vazan gall-Panchwadi	20.00	
	Betki	42.00	
	Panchwadi	20.00	
	Amlai-Panchwadi	20.00	
	Borim	12.00	268.00
Salcete	Rasaim	45.00	
	Zuari River	30.00	
	Zuari Estuary	100.00	175.00
Canacona	Poingtinim	10.00	010.00
	GRAND TOTAL		**1078.30**

Total mangrove cover of Goa.

From the above, total mangrove area works out as follows:

1. Mangrove cover on private land	2905.00 ha
2. Mangrove plantation	1078.30 ha
3. Dr Salim Ali Sanctuary, Chorao	178.00 ha
Grand total	**4161.30 ha**

From the above, it may follow that the present estimates of mangrove forest cover in State of Goa show manifold increase in their coverage. Since mangrove are protected spp. as notified by the State Government, they would require complete protection for which detailed field survey Talukawise and detailed survey nos. etc plotwise are required. This is a voluminous job requiring extra manpower and resources such as boat, surveyors etc. The committee understands that Research Division of Forest Department are entrusted with the responsibility to protect the naturally occurring mangrove and propagate mangrove plantations in the State and in recent past they have undertaken detailed survey along the estuaries from Penha-de-France upto Aldona covering Pomburpa, Ecoxim, Mapusa, Moira etc and from Cortalim to Borim. It is therefore, suggested that they may do the extensive survey at all other places to give a complete detailed information about the status of Mangroves in the State.

DEGRADED FOREST AREAS

3.6 (A) FOREST LANDS CLEARED FOR MINING PURPOSE

Sr.No.	Name of the project	Diverted Area(Ha)	Buffer Area(Ha)
1	2	3	4
1	Diversion of mining areas 43.31 Ha. 16 mining concessions Approved under Forest Conservation Act, 1980	43.3100	
2	Diversion of 32.7270 ha. of forest land for renewal of deemed mining lease No.7 of 1950 in South Goa District.	32.7270	20.1764
3	Diversion of 72:2289 ha. of forest land for renewal of deemed mining lease No.31 of 1954 in favour of M/s Chowgule of Vasco in South Goa District.	72.2289	40.2289
4	Diversion of 33.2470 Ha. of forest land for renewal of mining lease bearing T.C. No.2/1951 of M/s M.S.Talaulikar & Sons Pvt. Ltd. North Goa District.	33.2470	-
5	Diversion of 88.60 ha. of forest land for renewal of deemed mining lease No.88 of 1952 granted to M/s Sociedade De Fomento industries Ltd.	88.6000	28.6000
6	Diversion of 15.0769 ha. of forest land for renewal of deemed mining lease No.21/54 in favour of M/s V.M.Salgaonkar & Bros. Ltd. in North Goa District.	15.0769	-

cont..

1	2	3	4
7	Diversion of 16.47 ha. of forest land for renewal of deemed mining lease No.44/1956 in favour of M/s V.M. Salgaonkar & Bros. Ltd. in North Goa District.	16.4709	-
8	Renewal of deemed mining lease No.83 of 1952 in favour of M/s V.M.Salgaonkar & Bros Ltd. of Vasco.	54.2000	-
9	Renewal of deemed mining lease No.29 of 1954 of M/s V.M.Salgaonkar & Bros Ltd. of Vasco.	11.3125	-
10	Diversion f 78.85 ha. of forest land for renewal of deemed mining lease No.19 of 1952 in favour of M/s V.M. Salgaonkar & Co., in North Goa District of Goa.	72.8500	53.1500
11	Diversion of 4.44 ha. of forest land at Potrem Village of Sanguem Taluka of M/s Chowgule & Co.,	4.4400	-
12	Diversion of 43.3608 Ha. of forest land for renewal of deemed mining lease No. 26/57 in favour of M/s Chowgule & Co., Ltd. in North Goa District.	43.3608	32.0308
13	Diversion of 57.970 Ha. of forest land for renewal of mining lease bearing T.C. No.23/53 in favour of M/s Emco Goa Pvt. Ltd.	57.9700	6.514

cont..

1	2	3	4
14	Diversion of 34.1710 Ha. of forest land for renewal of mining lease bearing T.C. No.39 of 1956 of M/s V.M. Salgaonkar & Bros. Ltd. in North Goa District.	34.1710	20.6060
15	Renewal of mining lease in respect of T.C. No.84/53 M/S Damodar Mangalji & Co., Pvt. Ltd.	46.7900	28.1498
16	Renewal of mining lease in respect of T.C. No.46/56 M/s Damodar Mangalji & Co., Pvt. Ltd.	28.1513	17.5367
17	Renewal of mining lease in respect of 17of T.C. No.1949 of Shri Atmaram T. C. Palondkar of Margao.	44.6900	39.3164
18	Renewal of mining lease in respect of T.C. No.40/54 of M/s Dempo, Panaji.	51.0000	49.4150
19	Renewal of mining lease in respect of T.C. No.35/52 M/s V.S. Dempo Panaji.	64.7500	50.3236
20	Renewal of mining lease in respect of T.C. No. 6/57 of Shri Atchut V.S. Velingkar of Mardol Goa.	16.5600	5.2500
21	Renewal of mining lease in respect of T.C. No.3/51 of M/s V.S. Dempo, Panaji.	84.6175	67.2285
22	Renewal of mining lease in respect of T.C. No.40/57 of M/s Chowgule & Co., Pvt. Ltd. Vasco da Gama.	57.9600	18.9800

1	2	3	4
23	Renewal of mining lease in respect of T.C. No. 42/57 of M/s Chowgule & Co., Pvt. Ltd. Vasco da Gama.	45.1600	18.2952
24	Renewal of mining lease in respect of T.C. No. 26/60 of M/s Damodar Mangalji & Co., Pvt. Ltd. Panaji.	23.4000	22.4000
25	Cutting of trees in excess road of mining in Vichundrem village of Sanguem Taluka.	-	-
26	Renewal of Mining lease in respect of T.C. No. 55/53 of Shri Zacaria Antao, Betalbatim Salcete.	31.3425	8.78800
27	Renewal of Mining lease No. 67/52 of Shri A.V.S.Velingkar	36.3800	20.9920
	Total	**1110.8100**	**547.0000**

3.6 (B) FOREST LANDS CLEARED FOR DEVELOPMENT PURPOSE

Sr.No.	Name of the project	Area (Ha.)
1	2	3
1	Realease of 90 ha. of forest land in Nagahari, Goa for construction of 220 KV transmission line (interstate)	90.0000
2	Release of 1 ha. forest land for construction of 110 KV DC line (Tower) from Ponda to Tivim in North Goa District.	1.000
3	Release of 1950 sq.,ts. of forest land in compartment No.12-B Usgaon Block of North Goa Div. for Geometric improvement of NH-4 A between KM114/00 to 116/00 (Tisks by pass)	0.1900
4	Widening of curves with constructions of Nallah in Onha-Valpoi S.H. in between ch.50/2 to 50/6	0.0900
5	Proposal for dereservation of Reserved forest at km.99/800 to Anmod section)	50.9600
6	Construction of road from Shirshirem to Sidhanath Temple in Ponda Taluka (Phase)	0.3600
7	Tourist cottages at Keri Jambul (Surla) in Sattari Taluka.	-
8	Proposal for diversion of 3.404 ha. of forest land at village Chandel in Pernem Taluka in North Goa District for construction of right bank main canal of Tillari irrigation project from 700 KM to 10.100 KM.	3.4000

(cont.)

1	2	3
9	Diversion of 23.80 ha. of forest land for 220 kv D/C Tower line tapping from the existing 220 KV D/C Tower line from Nagzare (Karnataka to Ponda Goa) at Dharbandora to Xyldem)	23.8000
10	Land Acquisition of 1400 mm dia. P.S.C. Pipe line across at Sirvoi Hillock Vasheli Dongor in Quepem Taluka.	2.5000
11	Deforestation in mining concession No.3 of 1952.	1.0000
12	Release of 4920 sq.mt. of forest land for construction of approach road to minor bridge at km 53/600 of N.H. 17 (Panaji -Karnataka border Section)	0.4900
13	Diversion of 8.7 ha. forest land for construction of Chapoli Minor or irrigation project in South Goa Division.	8.7000
14	Diversion of 0.4 ha. of forest land for construction of primary school building at Devrem under Vichundrem Sanguem.	0.4000
15	Approach roads to Minor Bridge at km.67/10 N.H. (Panaji - FD Goa Karwar Border Section)	0.9600
16	Diversion of forest land for 220 KV D/C Tower line from Dharbondora to Xeldem.	21.0700
17	Diversion of forest land for non -forest use (Approach road) at km. 94/400 NH 4 A (Belgaum to Panaji)	0.8800

1	2	3
18	Transfer of 15o sq.kq mt of forest land to NH to FDR works of at km 85/500 in retaining wall Mallem village of Sanguem Taluka	0.0100
19	Diversion of forest area for widening of curve at km. 14.65 on State Highway No.7 in Sanvordem village of Sanguem Taluka.	0.2273
20	Diversion of 19.496 sq,mts. of forest land for 15 MLD Regional water supply scheme at Chandel in Pernem Taluka.	1.9495
21	Diversion of 36 Ha. of Forest lands for Konkan Railway.	36.7000
	Total	**225.00**

4. LIMITATIONS OF THE REPORT AND RECOMMENDATIONS

4.1 LIMITATIONS:

1. The methodology adopted by the committee was to rely on Government records(forest as well as Revenue records), and to make the field visit to the site to ascertain the factual position. However, some NGO's had come forward in helping to locate such areas in field. The involvement of actual owner of the property in respect of areas identified as private forest, could not be done due to cumbersome procedure of serving upon them a notice to come forward with the details and awaiting for their response etc and then fixing up a date. It was also anticipated that some of them due to fear/apprehension of their areas being identified as forest by the committee, might try to put a hindrance in the field visit etc thereby stalling the committee's task.

2. The committee did certainly feel handicapped due to non-availability of high resolution satellite/aerial borne remote sensing data of recent origin as that would have made the task of the committee simpler in identifying and locating the isolated pockets of forests/vegetation areas outside the hold of Forest Department and then carrying out extensive ground truthing based on the same. The committee has, therefore, planned field inspection based on the local knowledge of the chairperson and other members of the committee as well as on the information provided by the forest executive staff. Detailed land survey of private forest area as well as khazan lands bearing mangrove vegetation could not be carried out due to lack of resources specially the skilled manpower such as surveyors etc. Moreover, this would have been very time-consuming exercise due to widely scattered nature of such areas throughout the length and breadth of the State.

3. Although adequate care has been taken to enlist the correct survey numbers etc by consulting the village map as well as form 1 &X1V obtained

from Land Survey Directorate, the possibility of committing some mistakes in matching the survey numbers with ground locations, could not be ruled out. The same, however would be subject to correction at the time of detailed field survey proposed for actual delineation/mapping of the areas so identified on a suitable base map.

Due to forgoing reasons, it is also likely that some remote and secluded lands specially under private/revenue department ownership might have escaped the notice of the committee. There has been no deliberate attempt on the part of committee to not include any area, which meet the criteria laid down for the identification as being forest.

4.2 RECOMMENDATIONS:

1. The Committee have tried to identify and locate as much areas that fulfilled the basic criteria. However, due to its very nature, the exercise could never be termed as complete in all respects and, therefore, still there could be a possibility of identifying some more areas in subsequent surveys. In the opinion of the Committee, this exercise may continue for some more time so as to give full effect to Hon'ble Supreme Court's decision.

2. Sawant Committee in its final report has recommended constitution of a Task Force for ground survey so as to delineate the actual extent of forests on the survey numbers identified by the committee especially private areas and khazan lands for mangrove. As far as forest areas under the control of the government are concerned, they have been completely surveyed and fully mapped by the Department. They shall, therefore, remain safeguarded both in Government records as well as on the ground. The job of surveying these areas could be done taking help of the total station now available with the Working Plan Division of the Forest Department as also by forming two teams headed by the surveyors for each of North/South

Districts. The Government/Department will have to especially earmark the additional funds for this purpose. If services of the Departmental Surveyor and field staff are employed for this purpose, it would not entail any monetary expenditure on account of salary/wage component and expenditure only on transport and TA-DA will have to be incurred.

3. The ultimate objective behind this exercise was to give effect to the orders of the Hon'ble Supreme court in extending the applicability of Forest Conservation Act to all such areas, which are identified by the State Level Expert Committee as forests. While the government forest areas within the control of Department are protected by way of regulation, those lying outside will have to be afforded protection by notifying the same through Government Gazette. Since private forest areas cannot be brought within the purview of I.F.A. and the issues like right to property are involved, Government may explore any other legal provisions/possibilities for doing the same. As earlier stated, mutation of private forest areas in Revenue records can only be done by the Revenue Department, Government may, therefore, decide the modalities of doing the same.

4. As stated earlier, committee did anticipate problems in involving the affected people in carrying out the entire exercise of identifying the forest land. Even in case of Sawant Committee and now the present Committee, the affected people whose lands have been identified have not been notified of the same. To make them informed about the same and also to make them aware about the implications of the same, it would be imperative for the government to decide on the modalities of the same. The Committee, on their own, have not ventured into this aspect as it was not covered in the Term of References of the committee and due to the fact that the committee did apprehend some hindrance in this regard.

ANNEXURE II

MEETINGS HELD BY STATE LEVEL EXPERT COMMITTEE

Sr. No.	Date
1	10/10/2000
2	22/02/2001
3	17/01/2002
4	07/02/2002
5	25/02/2002
6	07/03/2002
7	26/03/2002
8	16/10/2002
9	21/10/2002
10	31/10/2002
11	07/11/2002
12	04/12/2002
13	05/12/2002
14	09/12/2002
15	10/12/2002
16	11/12/2002
17	12/12/2002
18	13/12/2002

Exhibit-C

ITEM NO.301 SECTION PIL

COURT NO.1

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

I.A. NO.1279 IN WRIT PETITION (C) NO.202 OF 1995

T.N. GODAVARMAN THIRUMULPAD .. Petitioner(s)

Versus

UNION OF INDIA & ORS. ..Respondent(s)

(For Directions and impleadment)

With I.A. No.1287 in Writ Petition (C) No.202 of 1995 (Report of C.E.C. regarding regulating the working of sandalwood oil industries).

I.A. Nos. 1291-1293 and 1334 in Writ Petition (C) No.202 of 1995
(For directions, impleadment and exemption from filing O.T.)

I.A. Nos. 1297 and 1300 in Writ Petition (C) No.202 of 1995
(Report regarding release of water from Panchana Dam to the Keoladeo National Park in Rajasthan and Report of the C.E.C. in Appln.(s) No.281 filed by C.E.C.)

I.A. No. 1309 in I.A. No.973 in Writ Petition (C) No.202 of 1995
(For clarification of Court's order dated 30/01/2004 passed in disposed of I.A. No.973).

I.A. No. 1322 in Writ Petition (C) No.202 of 1995
(For directions filed by A.C. in Court on 29/04/2005)

I.A. No. 1326 in Writ Petition (C) No.202 of 1995
(For directions filed by A.C. in Court on 03/05/2005)

Writ Petition (C) No.181 of 2001
(With appln.(s) for stay, interim directions and for reception of certain annexures in the counter affidavit and directions)

With I.A. No.432 in W.P. (C) No.13381/1984 (for directions).

Date: 10/02/2006 These matters were called on for hearing today.

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE ARIJIT PASAYAT
HON'BLE MR. JUSTICE S.H. KAPADIA

In Writ Petition (C) No.181 of 2001:

This petition was filed in the year 2001 primarily challenging the appointment of Karapurkar Committee. I.A. No.3 has been filed, inter alia, contending that despite two Committee Reports (Sawant Committee and Karapurkar Committee), bulk of private forest in the State of Goa still remains to be identified and the same is being sacrificed in collusion with developers and vested interest persons and no action has been taken by the State Government to set up a fresh Committee that will bring a finality to the survey of private forests in the State of Goa in compliance with the order dated 12th December, 1996, passed in Writ Petition (C) No.202 of 1995. In substance, the prayer in the application is for appointment of another Committee or for consideration of the issue by the Central Empowered Committee to identify the private forests. These issues, we are afraid, do not arise out of the writ petition which has become infructuous on Karapurkar Committee and Sawant Committee having submitted their Reports. In case, the petitioner has any further relief to seek, it may, in accordance with law, file a fresh substantive petition before an appropriate forum which would be considered on its own merits. The writ petition is disposed of, it having become infructuous. I.A. No. 3 is also disposed of accordingly.

Exhibit D

PRIVATE FOREST AS PER KARAPURKAR COMMITTEE (including Sawant Committee)	Area in Hectares	ADDITIONAL PRIVATE FOREST AS SURVEYED BY NGOs
Penha de Franca (North Goa) 38/1(p), 40 (p), 42 (p), 45 (p), 39 (p) 51 (p), 52 (p), 84 (p), 85 (p), 86 (p) 92 (p), 93 (p), 104(p), 104/2(p), 105/1(p) 69/4	26	148,151,36,34,29,107,139,146,109,190,13, 188,181,111,182,106,77,103,132,76,135, 104,87,88,156,158,159,75,79,136,133,154, 155,76,89,91,103,147,152,153
Thivim (North Goa) 399(p), 399/12, 401(p), 401/1-3, 404, 405, 366/3A	23	95,96,98,51,59,63,64,73, 76,52,128,129, 132,183 to 186,220 to 222,208/p,209,235, 236,241 to 244,251 to 254,259,261,262,266, 283 to 286,302,319,343,347,291,293 to 298, 304 to 307,321,349,348,402 to 406,408,410, 415,418,419,421,422,350 to 353,367,368, 371,366,365,370,378,382,385,386,548, 157,123 to 129, 178 to 181, 170 to 172 174,270,271,565,273,167,168,310 to 330 280 to 285,287 to 289,303, 297 to 299,262
Saligao: (North Goa) Unidentified		103, 104, 105, 106, 107, 108, 109,110
Salvador do Mundo (North Goa) 233/1, 233/2, 235/0, 236,237, 239/1 239/2, 266, 274, 127/1, 127/2, 127/3, 132/0, 129/1	80	94/p,69,78,81,82,84,85,86,107,108,109, 112,116,128,136,139,145,115,133,134, 137,138,140,135,151,152,153,154,148, 158,161,162,163,164,228, 229,234, 248,249,260,250,251,252,253,257,259,268, 269,272,273,240,297,298,299,303, 350,341,345,342,343,324,326,327,365, 356,358,359,353,357,349,348,347,346, 345, 344, 311, 312, 301, 302, 300
Verla: (North Goa) 94/1 (p), 95/1-3, 95/5-7, 110/2-6 110/13-14	5	62,63,64,65,71,79,80,88,92,93,94,95,110,
Arpora: (North Goa) 62/0, 63/0, 64/0, 71/1-6, 72/0, 73/1-4, 81/1 A, 81/2-4, 81/6-7, 83/0, 841/-5 92/1-5, 93/1-2		56/1 to 56/9, 57, 59, 60, 61, 62, 63, 64, 71 to 71/6, 72,7 3/1, 73/2, 81/1 to 81/8, 83, 84/1, 84/3, 84/4, 84/5, 92/1 to 92/4, 93/1, 93/2, 64/1, 94/5, 97, 71/1,65,73/4,82,92,94,66,69,51, 52, 53,50,43,44,45,48,49,67,
Raia: (South Goa) 297(p), 334(p) 2019(p), 200(p), 397(p), 363(p), 364(p), 362(p) 398(p), 400(p) 401(p), 361	25	370,372,365,364,363,362,398,400,401,402 403,405,406,407,247,248,246,245,244, 243, 242,168,169,164,167,168,190,191,193, 194,180,181,182,183,100
Loutolim: (South Goa) 165(p), 166(p), 154(p), 160(p), 167(p), 193(p), 199(p),201(p) ,202(p)	54	200,204,205,206,211,214,250,255,254, 249,221,220,219,224,226,322,323, 324,327,328,330,331,336,332,333,334, 257,256,255
Verna: (South Goa) 65(p),88(p), 64/9(p)	5	212,211,210,209,207,205,206,204,203,201, 202,196,200,199,198, 88, 87, 65, 64, 47, 46, 114, 124,116,115,119,92,93,95,96,102,113

Exhibit E

No.5/4/SGF/05-06/2313
Office of the
Dy.Conservator of Forests
South Goa Division
Margao Goa.
Dated: 14/16-03-06

To
The Chief Town Planner,
Town & Country Planning Dept.,
Panaji Goa.

Subj: 1) Violation of the Forest Conservation Act, 1980, inviting contempt of the Hon'ble Supreme Court of India.
2) Request to remove from Settlement Zone, Land identified as private forest in village Sancole.

Ref: This office letter No.5/4/SGF/Sal-Tal/05-06/1045 dtd. 19/09/05.

Sir,

Please refer to this office letter No. No.5/4/SGF/Sal- Tal/05-06/1045, 19/09/05. In this regard it is to inform you that the Senior Town Planner from your department visited recently concerned survey no. 113/2 and personally observed the destruction caused to the surrounding greenery, topography etc. although this office has not received a copy of the report of the joint inspection.

Please refer point no.5 of our letter dated 19/09/05, which is self-explanatory. This office's request to remove survey no.113/5, along with the adjoining green areas from settlement zone may please be taken up seriously, for taking further necessary action.

It is also requested to take necessary action as below:-

a) The provisional sub-division of Vasco PDA for survey no.113/2 be revoked urgently to stop the party from any further construction activity.

b) The entire identified private forest area of this part of Sancole village, which is spread over survey no.54 (p), 55 (p), 56 (p) and 69 (p). As identified by state Level Expert Committee, may be withdrawn from settlement zone, after due process of your department, as the same will be demarcated by this department in near future for protection of private forest under the orders of Hon'ble High Court, Panaji Branch.

Yours faithfully,
sd/-
(M.K. Bidi)
Dy.Conservator of Forest
South Goa Division
Margao Goa

Exhibit F 99

(Spl.-H.C.A.S.,C.D.,78-e)

IN THE HIGH COURT OF BOMBAY AT GOA

PANAJI-GOA

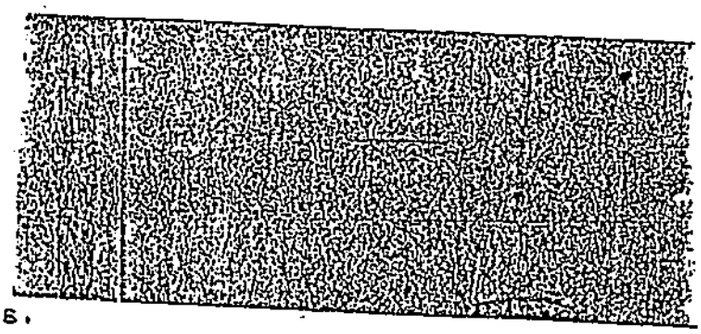
APPELLATE SIDE

WRIT PETITION NO. 344 OF 2002.

Office Notes, Office Memoranda of Quorum, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
	Mrs. Norma Alvares, Advocate for the Petitioners.
	Mr. A.N.S. Nadkarni, Advocate General with Mr. N.K. Sawaikar, Additional Government Advocate for the Respondents 1 to 3 and 7.
	Mr. J. Vaz, Additional Central Government Standing Counsel for the Respondent No. 4.
	Mr. J.E. Coelho Pereira, Senior Advocate with Mr. J. Godinho, Advocate for the Respondent No. 6.
	Coram : F.I. REBELLO AND P.V. HARDAS, JJ.
	Date : 17th June 2003.
	P.C.:- Rule. Considering the permission to fell trees granted to respondent no. 6 by Permission dated 14th November 1996 where it was clearly set out that permission to cut trees was being granted with a condition that the land would not be diverted to Non-forestry purposes, the report of the Deputy Conservator of Forest was that the land in question would come under Forest Conservation Act. and further considering the

guidelines dated 27th September 1991 issued by the Forest Department for application of the provisions of Forest (Conservation) Act and the Judgment of this Court in Shri Shivanand V. Salgaocar v. Tree ~~Officer & Deputy~~ Conservator of Forests and another, Writ Petition No. 162 of 1987, decided on 27th November 1990, this would be a prima facie case where the interim reliefs sought for should be granted. It is no doubt pointed out that plots have been sold and some constructions have come up. However, considering the provisions of the Forest Prevention Act, this would be a fit case where this Court should grant the reliefs. There will ~~also~~ be interim relief under Clause (f). At the hearing of this petition it is pointed out that some purchasers have started construction on the property and all those purchasers are not before this Court. Respondent no. 5 is directed to issue stop order notice against all constructions until further directions from this Court. However, if any person has a licence and was constructing pursuant to such licence,

liberty to the person to move this Court. That matter will be decided separately. The learned Advocate General states that Clause 5, which is the subject matter of the dispute and is in issue, is being deleted and substituted. The statement made by the Advocate General is accepted and, consequently, at this juncture, no further order is required on the same. Considering the urgency in the matter and that a large number of persons are affected, hearing be expedited.



ed's.

5. Keeping in view the preservation and conservation of Goa Forest, which is a part of Western Ghats, the Committee recommends to draw proper guidelines to create awareness among the local community for the protection of Forests. Although the Hon'ble Supreme Court has not totally banned the forest felling, it has directed the concerned Departments, to regulate the felling through proper management plans.

Dr. Hemant Karapurkar
Chairman

A.K. Wahal
Conservator of forests
Member

Shri. Anil Walavalkar
Engineer, Mapusa.
Member

Dr. A.G. Untawale,
Member.

R.V. Prabhugaonkar,
Jounalist
Member

R.K. Singh
Dy. Conservator of
Forests
(South) Member

Dr. P. Devraj
Dy. Conservator of
Forests
(North) Member

SUMMARY

Based on the data collected/compiled by the Sawant as well as present Committee the position in respect of forest area in the State of Goa emerges as under:-

			Area in Sq. km.
1.	Forest land under control of Government including plantation on the forest land		1223.73
2.	Forests on revenue land		0.80
3.	Private forests		
	a) As identified by Sawant Committee		
	i) North Goa	19.60	
	ii) South Goa	27.29	46.89
	b) As identified by Karapurkar Committee		
	i) North Goa	17.17	
	ii) South Goa	3.01	20.18
4.	Government plantations on non-forest land		
	a) Communidade land		31.23
	b) Devalaya land		6.50
	c) Road side		2.40
	d) Canal bank		0.72
	e) Others		0.80
5.	Mangrove forests		41.61
	Total		1364.39

The Sawant committee did also compile data on private plantations of non-forestry spp to the extent of 791 sq.km . of which 523 sq km are cashew plantations on private Plantations on private holdings. If we add these figures with that above then the total vegetation area in the state of Goa works out to be 2155 sq. kms which is 58.2% of the total geographical area of the State. The State in this sense is highly privileged to have such a large percentage cover of greenery which help in providing luxuriant evergreen coverage which adds to the beauty of the landscape , and are good source of water flow through its rivers, clean and pollution free environment for the ecological and well being of the people concerned(both government as well as people) to help maintain this green cover for prosperity and welfare of the people of the state and their future generations.

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No 10/401(Part I)/FD/96
Government of Goa,
Forest Department,
Panaji-Goa.
Dated :- 4th Sept. 2000

ORDER

The Government of Goa, hereby constitutes an Expert Committee consisting of the following: -

1. Dr. Hemant Karapurkar,	Chairman
2. Conservator of Forests,	Member
3. Shri Anil Walavalkar, Engineer, Mapusa,	Member
4. Dr. A.G. Untawale, N.I.O.,	Member
5. Shri R. V. Prabhugaonkar, Journalist,	Member
6. Dy. Conservator of Forests (South)	Member
7. Dy. Conservator of Forests (North)	Member-Sy.

The terms of reference of the Committee are as follows :-

1. To demarcate and to delimit and or otherwise suggest measures, by a proper land survey all those private properties having natural forest standing thereon.
2. To mutate all such identified areas in the land records to show the classification as 'forests'.

The criteria/guidelines for the identification of the above properties will be as follows: -

1. 75% of the composition should be forestry species.
2. The area should be contiguous to the Govt. forest and if in isolation, should be more than 2 Ha.
3. Canopy density should not be less than 0.4

The Committee shall give a hearing to the affected persons if it feels necessary to do so.

The committee shall give its findings within a period of six months from the date of its constitution.

By order and in the name
Of the Governor of Goa

(Richard D'Souza)
Additional Secretary (Forests)

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Exhibit G

The Goa Foundation

G-8 St Britto's Apartments,
Feira Alta, Mapusa 403 507 Goa.
Phone: 2256479; 2263305
Email: goafoundation@gmail.com

14.12.2005

The Chief Secretary and Secretary (Forests)
Government of Goa,
Secretariat, Porvorim, Goa.

Subj: *Demarcation of forests in Assagao and Goa*

Dear Madam,

I write with regard to the subject of demarcation of private forest land in Goa, which the Supreme Court, in the *Godavarman* forest case, has directed all State Governments to complete.

There are two aspects of this work we wish to draw to your attention.

The first concerns identification of forest land in Assagao village.

The second concerns completion of the unfinished work of the two expert committees (P.B.Sawant and H.Y.Karapurkar) appointed by the State Government to identify forests in terms of the apex court's directions issued in 1996!

1. Assagao village forest land

The Sawant Committee listed only four survey numbers (188, 189, 194 and 195) as forest land. This was barely one tenth of the actual forest area of Assagao (Bardez).

Thereafter, the Karapurkar Committee identified several other survey numbers as forest. The Karapurkar Report lists sy. nos. 66/1, 99/1, 100/1, 110/1, 115/1, 131/1, 144/1, 145/1, 159/1, 160/1 and 198/1 plus the earlier identified sy. nos: Part of 188/1-12,189/1-5, 194/1-5, 195/1 and 195/4 as forest. The Karapurkar Report states that these survey numbers form "a compact block of forest."

RECEIVED
OFFICE OF C. S.
16/12/05

During the recent controversial development (Ingo's Saturday Night Bazaar) at Assagao, we had occasion to compare the actual forest area in Assagao with the survey numbers identified as forest in the same village in the Sawant and Karapurkar Committee reports.

We were shocked to find that there are large tracts of forest that have been left out of both reports. Amazingly, these forest areas are in between or alongside the survey numbers identified by the two committees as forest. Considering that the Karapurkar Committee specifically and, to our mind, correctly records that the forest in Assagao forms "one compact block", we can only assume that there has been some error while recording the relevant survey numbers and that inadvertently some of the survey numbers were omitted from the report.

We took the assistance of Mr.Cajetan Raposo, Attorney of the Communidade of Assagao to identify the survey nos. of forest land in Assagao which have not been listed in the two reports. He has informed us that sy. nos. 68/1, 70/1, 71/1, 72/1, 74/1, 101/1, 108/1, 130/0 and 132/1 are having forest but they are not listed in the two reports. The total area of these (left out) survey numbers is approx. 14,76,850 (nearly 15 lakh) sq. mts.

All the survey numbers listed in the para above have lush and thick growth of forest, easily visible and still in fairly pristine condition, even today. These survey numbers are close to, between or immediately adjacent to the areas already identified as forest by the Sawant and Karapurkar Committees. Some of these plots are having even more dense growth of forest vegetation than the survey numbers already identified. These survey numbers will fulfill all the criteria set out by the Sawant and Karapurkar Committees for identification as forest. If these survey numbers are added to the already listed survey numbers, only then will the forest land identified in Assagao form a compact block of forest as determined by the Karapurkar Committee.

On the other hand, if these survey numbers are left out, there will be significant gaps in the forest. This will lead to inroads being made into the forest (as was recently attempted in the case of the Saturday Night Bazaar) and will eventually result in destruction and degradation of the entire forest stretch.

Mr. Raposo of the Assagao Comunidade has also brought to our attention that on one of the survey numbers listed in the Karapurkar Report, namely, sy. no.145/1, there is a settlement comprising nearly 40 pucca houses and an old chapel. All these structures have been in existence for decades. An old garbage site is also on the same survey number. This plot is at the extreme end of the Assagao forest stretch and is in fact adjacent to Mapusa municipality. Obviously, therefore, some error has occurred in identifying this entire survey number as forest. Of the 4,95,200 sq.m. which comprises sy. no.145/1, approx 1,45,000 is already developed (houses, chapel, etc.). Therefore this survey number should have been marked as 'part' forest only.

The Communidade of Assagao, which is keen to protect its forest land, is very anxious and concerned about the identification of the whole of sy. no.145/1 as forest since the people whose houses are existing on the plot are naturally upset. Since it is with the

cooperation of the Communidade that we have been able to identify the huge amount of additional forest land, we assured the Communidade that we would bring this error to your notice so that it can be rectified when the demarcation of the forest land on site is being done by the Forest Department in terms of the High Court order.

I am annexing a copy of the land survey map of Assagao village indicating the forest areas identified by Sawant and Karapurkar committees and also the additional area that needs to be included as forest land. Please ask the Forest Department to verify these facts. Mr.Cajetan Raposo, Attorney of the Communidade, has expressed willingness to assist the Forest Dept staff to show the areas, if required. Also, if the Communidade can be reassured on the matter of sy. no.145/1, it will greatly ease its present apprehensions and give the protection of forest land vis-à-vis the villagers a positive dimension. This, you will agree, is greatly needed these days.

2. Identification of balance forest land in Goa

If the Assagao forest identification pointed out above is any indication of the nature of work done by the two erstwhile expert committees, it is pretty obvious that in other villages too there will be forest land which has not been included in the two reports. As a matter of fact, both the committees have specifically recorded that their work is incomplete and that private forests in Goa still remains to be identified.

It is necessary therefore that the Government appoints another committee or directs the forest department to complete the identification of balance areas. We have several instances wherein the forest officers themselves have concurred with us that the area is forest but express helplessness in regard to protecting it as such because the area is "not yet" demarcated as forest by either of the two expert committees (and we have had to go to the court each time to prevent the diversion of such forest lands). This situation requires remedy, as it is a violation of spirit of the Forest Conservation Act, and of the order of the apex court dated 12.12.1996.

We are willing to provide you and the forest department with some of the survey numbers that NGOs like Nisarga and ourselves have already identified as forest, as per the criteria of the Sawant/Karapurkar Committee. The forest is also very much in existence in these areas and there are no developments on the plots, as yet. The forest department can examine these plots first and then complete the rest of the exercise. There are many people in Goa who are concerned about the protection of the forests and who will gladly come forward to help the forest department to complete this job quickly.

Thank you, Madam, for giving this matter your attention.

Knowing the promptness with which you have acted in the past, I am hopeful for quick action once again.

We would certainly wish to be heard by you in the matter once you have gone through this petition.

Yours sincerely,

(Dr Claude Alvares)
Director

Attached: Survey Plan of Assagao village forest area

S.O. 6 weeks

IN THE HIGH COURT OF BOMBAY AT GOA.

Writ Petition No. 334/2003

Goa Foundation .. Petitioner

Versus

State of Goa & Ors. .. Respondents

AFFIDAVIT IN REPLY

I, Raajiv Yaduvanshi, of major age, Indian National, Secretary (Forests), Government of Goa having office at Secretariat, Porvorim, Goa, do hereby solemnly affirm and state as follows:

1. I am presently the Secretary (Forest), Government of Goa. I am filing this affidavit for the limited purpose of opposing admission of the petition and grant of any interim relief to the Petitioner. I crave leave to file a detailed reply if the petition is admitted. I have not specifically traversed each and every paragraph of the Petition. Any averment not specifically answered may therefore not be deemed to be admitted, since the reply is limited to opposing the admission of the petition and grant of interim relief.

2. The representative Writ Petition is filed for a direction to the State Government to complete the process of identification of private forests in the State, within a time bound period and also to complete the process of identification of the degraded forests within the State.

3. In view of the Order of the Honourable Supreme Court dated 12.12.1996 passed in Writ Petition No. 202/ 1996, the State Government had initially appointed a Committee known as Sawant Committee. The Sawant Committee submitted its report on 8.12.1999. However, since the Sawant Committee had not completed the task. The Government appointed another Committee known as Karapurkar Committee, which submitted its report on 16.12.2002.

4. Both, Sawant Committee and Karapurkar Committee had for the purpose of identification of forest lands, determined the criteria, which are as follows:

a) 75% of the composition should be forestry species;

b) the area should be contiguous to the Government forests and if in isolation, should be more than 5 Ha.;

c) Canopy density should not be less than 0.4.

5. The Karapurkar Committee also had not completed the entire task, resultantly there are still areas in the State which have to be surveyed for the purpose of identification of private forests on those areas which have not been covered either by the Sawant Committee or the Karapurkar Committee.

6. The Sawant Committee has decided to appoint a State Level Expert Committee to undertake and accomplish the task of identification of private forests in the areas not covered by both, the State Level Expert Committees. It is further decided that the work of the Committee should also include locating, identifying and survey of forests in the State based

on the criteria followed by the earlier two Committees and thereafter make a report to the State Government.

7. Subsequently, since it was felt that the estimated time for completion of this work would be about three years, it would be more appropriate in public interest to appoint two separate and independent Committees, one for identification of private forests in such lands in the North Goa district and the other for the identification of private forests in such lands in the South Goa district.

8. Presently, the Government has zeroed in on some names for heading the Committee but the names are yet to be finalized and hence the constitution of such Committees has not been completed.

9. Within a period of four weeks, the Government will constitute a Committee for the purpose of identification of private forests on such lands. However, the time frame for identification of private forests would depend on the response of the Committee once appointed, which would be submitted to this Honourable Court once the Committees are constituted.

10. I say that all that is stated herein above is true to my knowledge as the same is derived from the records maintained by my office.

Solemnly affirmed at Panaji on this
16th day of December, 2009.

Deponent.

Identified by me:

IN THE HIGH COURT OF BOMBAY AT GOA

Writ Petition No. 334/2006

Goa Foundation ...Petitioner

v/s.

State of Goa & Ors. ...Respondents

AFFIDAVIT

I, V. Khawlhring, Conservator of Forests (Conservation), major of age, Indian National, having my office at Panaji-Goa, do hereby on solemn affirmation state and submit as under:-

1. I say that the Petitioner has filed aforementioned petition seeking the following reliefs amongst others:

a) For an order directing the Government of Goa to complete the process of identification of private forests in the State within a time bound period in terms of the Apex Court's Order dated 12.12.1996 and report compliance;

b) For an order directing the Government of Goa to complete the process of identifying degraded forests within the State i.e. areas which were earlier forests but stand degraded, denuded or cleared, in terms of the Apex Court's Order dated 12.12.1996 and report compliance.

Pursuant to the filing of the present petition the Government has taken a decision to constitute two committees, one Committee for North Goa district and the other for South Goa district for the

purpose of identification of balance areas of private forest in the State, which were not covered by the Sawant Committee and the Karapurkar Committee. I say each of the said Committees consists of five members. The constitution of the said committees has been notified in the official gazette dated 03/02/2010 annexed as Exhibit A.

2. I say that the said Committees have been assigned the tasks of

(a) identifying the balance areas of private forests in North Goa District and South Goa District respectively in the State that have not been covered by the Sawant Committee Report and the Karapurkar Committee Report;

(b) individually locating the identified private forests on ground, surveying the same, verifying and confirming their forest nature and extent (area in Ha), plotting them on the map and incorporating them in the plan of the respective survey numbers;

(c) demarcating the private forests from the non-forest on the map and

(d) submitting their detailed reports along with the plans/maps of the identified private forests, within the period of two years from 3.02.2010 and further for submitting the same to this Honourable Court.

Summary report to be filed every 3 mths indicating progress. copy to petitioner

In view of the constitution of the two committees, prayer clause (a) of the petition does not survive.

3. As regards clause(b) of the present petition, I say that the Government had earlier appointed two namely, the Sawant

committee and the Karapurkar committee who were assigning the following task:-

(A) To identify areas which are "Forest" irrespective of whether they are so notified, recognized or classified under any law, and irrespective of the ownership of the land of such forest;

B) To identify areas which were earlier forests but stand degraded, denuded, or cleared.

4. I say that since no specific cut off period had been given for comparing the degradation, denudation or clearing on the lands to be so identified, the Committee therefore decided 1980 to be the bench mark for Government Forest lands. I say that for identifying areas outside the Government forest lands, there were no previous status/records which could serve as a suitable standard for comparison.

5. I say that in the report of the Sawant Committee an area of 1223.73 sq. kms. has been identified as Government forest land and an area of 48.67 sq. kms. has been identified as forest lands other then Government forest lands, including Revenue lands.

6. I say that as per the report of the Sawant Committee the Government forest land that have been identified, also include areas to the extent of 13.08 sq. km which have been cleared and/or diverted for mining and various developmental projects since 1980.

7. I say that the both the reports of the Sawant Committee as well of the Karapurkar Committtee have been placed before the Hon'ble Apex court for consideration.

I say that what is stated above is based on records of my office to which I have access.

Solemnly affirmed at Panaji
On this 6th day of July, 2010 DEPONENT

Identified by: -

Sapna Mordekar
(Addl. Government Advocate)

No:-2/1/2010/FOR
Government of Goa,
Forests Department,
Secretariat,
Porvorim – Goa.

Dated:- 03/02/2010.

NOTIFICATION

In pursuance of the directive contained in the order dated 16 December, 2009, of Hon'ble High Court of Bombay at Goa, the Government of Goa is pleased to constitute following Committees for the purpose of identification of balance areas of private forests in the State_

NORTH GOA DISTRICT

1. Shri. K.G. Sharma (Ex – Director Agriculture) ..... Chairman.
   At Farmaguddi, Ponda Goa.
2. Prof. Janardhanam
   Department of Botany, Goa University, ...Member.
   Bambolim
3. Shri. V.T. Thomas (Ex. DCF)
   Porvorim Bardez Goa. .....Member.
4. Dy. Conservator of Forests,
   North Goa Division, Ponda. .....Member.
5. Sub Divisional Forest Officer, Ponda .....Member Secretary.

SOUTH GOA DISTRICT

1. Shri. P.V. Sawant
   Ex-Chief Conservator of Forests
   Corlim – Tiswadi Goa. ..... Chairman
2. Prof. K.G. Hiremath
   Department of Botany
   Dempe College, Miramar, Panaji ..... Member
3. Shri. M.A. Dessai, (Ex-DCF)
   Margao Goa. ..... Member
4. Dy. Conservator of Forests
   South Goa Division, Margao. ..... Member
5. Sub Divisional Forest Officer, Quepem ..... Member Secretary.

The terms of reference to the above constituted Committees as per the said Order of the Hon'ble High Court of Bombay at Goa, are –

1. To identify the balance areas of private forests in North Goa District & South Goa District respectively in the State that have not been covered by the Sawant Committee Report and the Karapurkar Committee Report.
2. To individually locate the identified private forests on ground, survey them, verify and confirm their forest nature and extent (area in Ha.), plot them on map and incorporate them in the plan of the respective Survey No/s.

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3. Demarcate the private forests from the non – forest on the map.

4. Submit their detailed reports along with the plans/maps of the identified private forests, within the period of two years from this date, further submission to Hon'ble High Court.

The Director of Settlement and Land Records, Panaji shall place at the disposal of each Committee a team of 5 (five) Surveyors to enable the Committees to do the work of locating, surveying, verifying, confirming, plotting and preparing the final maps of the identified forests as mentioned above.

This issues with the approval of the Government.

By order and in the name of the
Govenor of Goa.

(Maria J.R Pires)
Under Secretary (Forests)

Copy to:-

1. The Director, Printing and Stationary, Panaji, with request to publish the same in the next issue of Gazette.

2. The Director of Information, Panaji with a request to give wide publicity in the News Papers.

3. The Principle Chief Conservator of Forests, Panaji.

Copy for information to:-

1. The Collector, North Goa District, Panaji – Goa.
2. The Collector, South Goa District, Margao – Goa.
3. The Director of Settlement and Land Records, Panaji – Goa.
4. The Director of Accounts, Panaji – Goa.
5. The R.A.O., Panaji – Goa.
6. The Person Concerned.
7. The P.S. to Chief Minister, Secretariat, Porvorim – Goa.
8. The P.S. to Forest Minister, Secretariat, Porvorim – Goa.
9. The P.A. to Chief Secretary, Secretariat, Porvorim – Goa.
10. The P.A. to Secretary (Forests), Secretariat, Porvorim – Goa.
11. O/c.
12. Guard file.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
GOA BENCH, AT PANAJI

Writ Petition No.334 of 2006

The Goa Foundation ...Petitioner
v/s
State of Goa and ors. ...Respondents

AFFIDAVIT OF THE GOA FOUNDATION

I, Dr Claude Alvares, Secretary of the petitioner organization abovenamed, do hereby solemnly affirm and state as under:

1. That I am filing this affidavit in order to controvert the statements made by Conservator of Forests (Conservation) in para 4 of his affidavit dated 6 July 2010. He states that for identifying areas outside the Government Forest lands, there were no previous status/records which could serve as a suitable standard for comparison. This is a factually wrong statement. In the opinion of the petitioner, there are three very reliable sources of information:

a) Form III of the Index of Lands which predates Form I & XIV clearly states which areas are forest and this classification is in respect of both Government and non-

Government forests. This record is available for the entire State.

b) The area and location of private forests within the area demarcated as the Working Plan areas of the North and South Goa division are also available to the Forest Department. In fact, in the year 2001, Conservator of Forests set up two committees for identification of private/revenue areas falling in Working Plans. These two reports also relied upon data from Form III. The two committees dealt extensively with forests on mining leases within Working Plan areas. I crave leave to produce the two reports as and when required.

c) The Portuguese Government had notified the "Mata Nacional" in terms of all forests known to them already by an official notification in the Gazette dated 11.1.1951. This record is with the Forest Department, Technical Division, Working Plan.

To state therefore that there were no previous status/records in this respect is therefore incorrect.

2. As per the Supreme Court order dated 12.12.1996, the Government of Goa is duty bound to identify all those survey numbers that are recorded as forest in any Government record

and to ensure protection to such areas. The Mata Nacional was notified in the official government gazette. If mining leases issued by the Portuguese dating from 1910 are still valid in the State of Goa, the same would apply to forest lands notified in the Mata Nacional as well.

3. The Bombay High Court judgement declaring private forests as forest for purposes of the Forest Conservation Act was delivered in November 1990. The criteria to identify private forests pursuant to that judgement were evolved by the Forest Department in 1991. If there had been sincere will to protect the forests in terms of the High Court's, and thereafter the Apex Court's order, much could have been done in a matter of months (and not years) merely by examining the above records.

4. Accordingly, this Hon'ble Court may direct the Forest Department to conduct the necessary research into these records and retrieve the necessary information expeditiously instead of attempting to bury its head in the sand.

Solemnly affirmed this
on _____ July, 2010 Deponent

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
GOA BENCH, AT PANAJI

Writ Petition No.334 of 2006

The Goa Foundation ...Petitioner
v/s
State of Goa and ors. ...Respondents

AFFIDAVIT OF THE GOA FOUNDATION

I, Dr Claude Alvares, Secretary of the petitioner organization abovenamed, do hereby solemnly affirm and state as under:

1. That I am filing this affidavit to bring on record four documents which are relevant to the issue of criteria for identification of degraded forest lands which is the issue pending determination in this writ petition. These documents are:

a) Supreme Court Order dated 28 March 2008 in WP No.202 of 1995 (Godavarman v/s UOI);

b) Central Empowered Committee's Recommendations;

c) Forest Survey of India Report, 2009 (extracts);

d) Ministry of Environment and Forests National Mission for a Green India: draft document (extracts).

The aforesaid documents are already in the Court record in WP.No.495/2010 and are herewith annexed to this affidavit as ***Exhibits 1-4***.

2. The aforesaid documents clearly establish that forest land having tree canopy density of 0.1 to 0.4 (i.e., 10% to 40%) is termed as "Open Forest" by all the authorities dealing with forest matters over the past decade. The Ministry of Environment & Forests has determined degraded forest land as "Open Forest" in its National Mission for a Green India document.

3. Hence criteria for identification of degraded forest lands may be accepted as forest lands with 75% forestry species and tree canopy density of 0.1 to 0.4 (1.e., 10% to 40%).

Solemnly affirmed this
on _____ September, 2010

Deponent

http://JUDIS.NIC.IN SUPREME COURT OF INDIA

CASE NO.:
Writ Petition (civil) 202 of 1995

PETITIONER:
T.N. Godavarman Thirumulpad

RESPONDENT:
Union of India & Ors

DATE OF JUDGMENT: 28/03/2008

BENCH:
CJI K.G. BALAKRISHNAN & DR. ARIJIT PASAYAT & S.H. KAPADIA

JUDGMENT:
JUDGMENT
O R D E R
REPORTABLE

I.A. Nos. 826 IN 566 WITH 955 IN 566, 958, 985, 1001-1001A, 1013-14, 1016-1018, 1019, 1046, 1047, 1135-1136, 1164, 1180-1181, 1182-1183, 1196, 1208-1209, 1222-1223, 1224-1225, 1229, 1233 IN 1135-1136, 1248-1249, 1253, 1301-1302, 1303-1304, 1312, 1313, 1314, 1318, 1319 IN 1137, 1325, 1364, 1365-1366, 1370-1370A,1371, 1384, 1385-1386, 1387, 1434, 1435-1437, 1438, 1441 WITH 1634, 1475-1476, 1513, 1573, 1639 IN 1135-1136 IN IA 566, 1664, 1665, 1671, 1676, 1707, 1721, 1779 IN 1164 IN 566, 1785-1786 IN I.A. NO. 1441, 1980-1981, 1993, 2013, 2074-2076, 2077-2078 IN 1441 & 2098 IN 1233 IN 1135-1136, 2145-2146, 2147-2148, 2149-2150 & 2153-2154 IN I.A. 566 IN W.P.(C) NO. 202/1995

It is an undisputed fact that the forest in this country is an important and vital component to sustain the life support system on this planet. For various reasons, our forest is being slowly depleted. At the same time, as part of our developmental activities, some areas of the forest have to be used for non-forest purposes. The economic development shall not be at the cost of complete degradation of the forest or the environment and eco-system provided by the green area of the forest. Therefore, it was considered whether the user agency of such land which is required for developmental activities to compensate for the diversion of the forest and on the recommendations of the Central Empowered Committee (hereinafter being referred to as "CEC"), it was decided by this Court that the user agency shall be required to make payment of net present value(NPV) of such diverted land so as to utilize this for getting back in the long run which are lost by such diversion. A scheme was submitted by Ministry of Environment and Forests(MOEF) alongwith an affidavit dated 22.3.2002. The CEC considered all relevant aspects including the scheme submitted by MOEF and filed a report on 9.8.2002. These reports were accepted by this Court. This Court in T.N. Godavarman Thirumulpad Vs. Union of India 2006(1) SCC 1 finally directed that the question as to what amount of NPV is required to be paid and to achieve these objectives, it was directed that the question is to be examined by experts. A Committee comprising of three experts including Mrs. Kanchan Chopra was appointed and this Court gave the following directions:-

(i) to identify and define parameters (scientific, biometric and social) on the basis of which each of the categories of values of forest land should be estimated.
(ii) To formulate a practical methodology applicable to different

http://JUDIS.NIC.IN SUPREME COURT OF INDIA

biogeographical zones of India for estimation of the values in monetary terms in respect of each of the above categories of forest values.

(iii) To illustratively apply this methodology to obtain actual numerical values for different forest types for each biogeographical zone in the country.

(iv) To determine on the basis of established principles of public finance, who should pay the costs of restoration and/or compensation with respect to each category of values of forests.

(v) Which projects deserve to be exempted from payment of NPV.

On the basis of the directions issued by this Court, a Committee consisting of Mrs. Kanchan Chopra gave a report and the same was examined by the CEC.

The report contains detailed study of the relevant factors. The Forest Survey of India, has since last two decades, been undertaking forest cover mapping of the country using satellite data obtained by the NRSA, Hyderabad. The methodology of mapping involves the geo-rectification of the satellite imagery using the Survey of India toposheets followed by the digital interpretation of the same and extensive ground truthing. It was found that the forest cover maps depicts mainly three tree canopy density classes, viz., very dense, moderately dense and open. There were other classifications in the Forest of India and "Champion and Seth" have classified the forests of India into 16 major groups. The major basis of classification included the climate, the soil and the past treatment as these factors determine the vegetation type of a given locality. CEC has classified the forest taking in view the ecological role and value of the forests and for the purpose of the report, 16 major forest types have been further grouped into 6 ecological classes depending upon their ecological functions.

Eco-Class I - Consisting of Tropical Wet Evergreen Forests, Tropical Semi Evergreen Forests and Tropical Moist Deciduous Forests
Eco- Class II -Consisting of Littoral and Swamp Forests
Eco-Class III -Consisting of Tropical Dry Deciduous Forests
Eco-Class IV -Consisting of Tropical Thorn Forests and Tropical Dry Evergreen Forests
Eco-Class V -Consisting of Sub-tropical Broad Leaved Hill Forests, Sub-Tropical Pine Forests and Sub Tropical Dry Evergreen Forests
Eco-Class VI -Consisting of Montane Wet Temperate Forests, Himalayan Moist Temperate Forests, Himalayan Dry Temperate Forests, Sub Alpine Forest, Moist Alpine Scrub and Dry Alpine Scrub

Based on the ecological importance of forest falling in different eco-value and canopy density classes, relative weightage factors have also been taken into consideration. By using these relative weightage factors, the equalized forest area in eco-value Class I and very dense forest corresponding to forest falling in different eco-value and density classes have been compiled. For example, 17,997 sq. km. of open forest of Eco-Class IV has been calculated to be equivalent to 7,558 sq. km. of very dense forest of Eco-Value Class I. Accordingly, the entire forest area of the country has been calculated and found to be equivalent to 5.2 lakh sq. km. forest area having highest ecological significance as that of forest falling in eco-value Class I with density above 70%.

The net present value per hectare of forest has been fixed based on this data. For calculating the average net percent value per hectare of forest in India, the following monetary value of goods and services provided by the forest have been considered:-

(i) Value of timber and fuel wood
(ii) Value of Non Timber Forest Products (NTFP)
(iii) Value of fodder
(iv) Value of Eco-tourism
(v) Value of bio-prospecting
(vi) Value of Ecological services of forest
(vii) Value of Flagship Species
(viii) Carbon Sequestration Value

Based on this, the NPV was fixed and the following recommendations have been made:-

(i) for non-forestry use/diversion of forest land, the NPV may be directed to be deposited in the Compensatory Afforestation Fund as per the rates given below:-

(in Rs.)

Eco-Value class	Very Dense Forest	Dense Forest	Open Forest
Class I	10,43,000	9,39,000	7,30,000
Class II	10,43,000	9,39,000	7,30,000
Class III	8,87,000	8,03,000	6,26,000
Class IV	6,26,000	5,63,000	4,38,000
Class V	9,39,000	8,45,000	6,57,000
Class VI	9,91,000	8,97,000	6,99,000

(ii) the use of forest land falling in National Parks / Wildlife Sanctuaries will be permissible only in totally unavoidable circumstances for public interest projects and after obtaining permission from the Hon'ble Court. Such permissions may be considered on payment of an amount equal to ten times in the case of National Parks and five times in the case of Sanctuaries respectively of the NPV payable for such areas. The use of non-forest land falling within the National Parks and Wildlife Sanctuaries may be permitted on payment of an amount equal to the NPV payable for the adjoining forest area. In respect of non-forest land falling within marine

National Parks / Wildlife Sanctuaries, the amount may be fixed at five times the NPV payable for the adjoining forest area;

(iii) these NPV rates may be made applicable with prospective effect except in specific cases such as Lower Subhanshri Project, mining leases of SECL, Field Firing Ranges, wherein pursuant to the orders passed by this Hon'ble Court, the approvals have been accorded on lump-sum payment / no payment towards the NPV; and

(iv) for preparation and supply of district level maps and GPS equipments to the concerned State / UT Forest Departments and the regional offices of the MoEF, the Ad-hoc CAMPA may be asked to provide an amount of Rs.1.0 crore to the Forest Survey of India out of the interest received by it.

Ministry of Environment and Forests also has filed its response and has accepted the recommendations made by CEC. Various user agencies have filed its objections. We heard the learned senior Counsel Mr. Nariman and other learned senior Counsel who appeared before us. The main contention raised is that the NPV value was fixed on the basis of the net flow accruing over 20 years at a 5% social discount rate. This, according to the applicants, is too low. It has been contended that the Economic and Research Department of the Asian Development Bank is of the view that a survey of the social discount rate policies of individual countries show significant variations and the developing countries apply higher social discount rate. The paper published by Asian Development Bank shows that India should have a social discount rate of 12%. It may be noted that the Expert Committee under the leadership of Mrs. Kanchan Chopra recommended 5% social discount rate but the CEC has reduced further and accepted 4% social discount rate. It may be noted that the CEC had made consultation with eminent economists and it was of the view that the social discount rate should be around 2% in India. We do not find much force in the contention advanced by the learned Counsel who appeared for the user agents. The 10% suggested by them cannot be applied to the present case because 10% is the rate linked to assumptions about the opportunity cost of capital. One cannot apply that rate for social time preference in evaluating the benefits from an environmental resource such as forests. In project evaluation, the horizon is compatible with the life o the project whereas in forest matters, the horizon spans over several generations. Therefore, the rate of 10%, as suggested by the user agency cannot be accepted.

Another contention raised by the applicant(FIMI) is that the NPV is not fixed on site specific and, therefore, the fixation of the rate is based on surmises and conjectures and the same rate cannot be applied to the large extent of area covered by the forests. This question was elaborately considered by the CEC. Considering the large extent of this country and the forest being spread over in various parts of the State, it is difficult to fix the NPV based on the specific area. It is not feasible to fix NPV in each and every individual case. The entire forest area in each of the State/UT is calculated by considering the monetary value of the services provided by it. The average NPV per hectare of the forest area in the State has also been calculated. If NPV is to be calculated on the specific area, the process would be time consuming and in most of the cases, it may be beyond the capability of the Range Forest Officers or other officials posted at the grassroot level. Moreover, the NPV is linked with the type of the forest and no useful purpose would be served by carrying out NPV calculations in each case involving the diversion of forest areas.

We are of the view that the NPV now fixed is more scientific and is based on all available data. We accept the recommendations

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and we make it clear that the NPV rate now fixed would hold good for a period of three years and subject to variation after three years. The following exemptions have been recommended:-

(i) public works such as schools, hospitals, children play grounds of non-commercial nature and the public welfare projects such as community centres in rural areas which require forest land upto 2 ha;
(ii) rural infrastructure and basic services such as the construction of the overhead tanks, village roads, etc.
(iii) the minor irrigation projects upto 10 ha. of storage area, municipal water supply projects, drinking water supply pipelines;
(iv) activities necessary for the ecological management, relocation of the villages from the sactruaries and the national parks, regularization of pre-1980 eligible encroachers;
(v) housing for the rehabilitation of tribals; laying of the underground optical fibre cables;
(vi) laying of the pipelines for the underground gas transportation;
(vii) the district and rural roads;
(viii) shifting cultivation;
(ix) roads constructed by Defence in border areas;
(x) construction of the transmission lines.

The above recommendations for exemptions are accepted. If, in any case, exemption is required by nature of the peculiar circumstances of the case, the same would be decided as and when necessary on a case to case basis.

Exh 3

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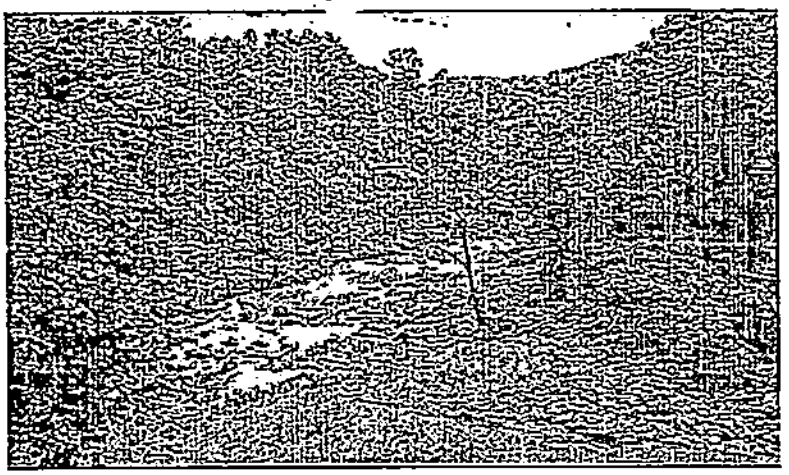

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Maps are based on the Survey of India maps with the permission of the Surveyor General of India. The territorial waters of India extend into the sea to a distance of twelve nautical miles measured from the appropriate baseline.

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Chapter 1

INTRODUCTION

1.1 Biennial Monitoring of Forest Cover of the Country

The pressure on India's forests is very high because of high population. The rapid growth in the economy of the country in the last one decade or so has put additional demands on forests for infrastructure development. There is an ever increasing demand for diverting forest lands for the construction activities like dams, roads, power stations, townships etc. In this scenario of competing land uses and with the growing realization of the impacts of forests on climate change, the importance of monitoring of forest cover in the country is being appreciated more than ever.

The National Forest Policy of India, since 1952 has set a goal of bringing one-third area of the country under forest cover. The policy goal gives direction to the efforts of conservation, afforestation and tree planting outside the traditional forest areas. Realizing the need for a closer and scientific monitoring of forest cover, India started the regular programme for the same with the use of remote sensing technology way back in early 1980s. The Forest Survey of India was mandated for this activity and the first report on forest cover monitoring was published as State of Forest Report (SFR) 1987. Since then, biennial monitoring of the country's forest cover is being done regularly. India is among the few countries in the world to start such a unique system of monitoring of forest cover at national level. Brazil assesses its forest cover in Amazon basin every year. Most of the countries have assessed their forest cover intermittently on a project basis.

1.2 Technological Advancement

Remote sensing technology provides an appropriate and cost effective method of monitoring wide spread natural resource like forests. While providing a synoptic view of a large area, it also captures bio-physical properties of the land features through the reflected electro-magnetic radiations, often called signature in the remote sensing parlance.

Like in other technologies, there has been rapid advancement in the field of remote sensing also. Forest Survey of India has tried to keep pace with the technological advancement by using the latest satellite data available at different points of time and by upgrading the facilities of hardware and software used in the interpretation. Accordingly, suitable improvements in the methodology of forest cover mapping have also been made from time to time. The Table 1.2.1 gives an overview of this transition.

It can be seen that besides improvement in the resolution of the satellite data and the scale of interpretation over the years, the gap between data period and assessment year has reduced with the introduction of digital image processing (DIP). Though the DIP was introduced with SFR 1995, a complete switchover to this technology took place with the SFR 2001. It has now become possible to have one time data for the whole country, thus making the assessment specific to a reference year. For example, most of the data in the present assessment pertains to October-December 2006. For the limited areas of

Table 1.2.1: Application of remote sensing technology in forest cover mapping over five decades

Assessment	SFR Year	Data Period	Sensor	Resolution	Scale	Minimum Mappable Area (ha)	Mode of Interpretation
I	1987	1981-83	LANDSAT-MSS	80 m	1:1 million	400	Visual
II	1989	1985-87	LANDSAT-TM	30 m	1:250,000	25	Visual
III	1991	1987-89	LANDSAT-TM	30 m	1:250,000	25	Visual
IV	1993	1989-91	LANDSAT-TM	30 m	1:250,000	25	Visual
V	1995	1991-93	IRS-1B LISSII	36.25 m	1:250,000	25	Visual & Digital
VI	1997	1993-95	IRS-1B LISSII	36.25 m	1:250,000	25	Visual & Digital
VII	1999	1996-98	IRS-1C/1D LISS III	23.5 m	1:250,000	25	Visual & Digital
VIII	2001	2000	IRS-1C/1D LISS III	23.5 m	1:50,000	1	Digital
IX	2003	2002	IRS-1D LISS III	23.5 m	1:50,000	1	Digital
X	2005	2004	IRS-P6 LISS III	23.5 m	1:50,000	1	Digital
XI	2009	2006	IRS-P6-LISS III	23.5 m	1:50,000	1	Digital

North-East region and for A&N Islands, data of January-March 2007 was used due to non-availability of cloud free scenes.

Due to enhancement in the scale of interpretation (1:50,000), it has been possible to capture forest cover patches down to 1 ha.

The digital interpretation has also made it possible to add one more canopy density class in the mapping of forest cover. Against the two density classes (dense forest between 40-100% and open forest between 10-40%) earlier, it is now possible to classify forest cover in three density classes (very dense between 70-100%, moderately dense 40-70% and open 10-40%) since 2003.

After reviewing the technological inputs in the forest cover assessments of the other countries, it appears that the spatial resolution and scale of interpretation currently used in India at the national and at the State level is optimal.

Necessary expansion in hardware and software infrastructure has taken place to make the switchover in technology possible.

1.3 Refinement in the Methodology

FSI has been following the raster-based approach in forest cover mapping until previous assessment. The satellite imagery being in the form of pixels (raster) makes the interpretation quick. But the interpretation in each cycle used to be done independently. This made the changes in forest cover prone to interpretational errors. Further, the raster based maps are also not fully compatible for GIS analysis. For the present assessment, FSI has switched over to vector based approach in which forest cover patches are mapped in polygons. This has improved the cartographic presentation of the output, mapped the changes more accurately and made the output available in GIS-ready format.

1.3.1 Revised Forest Cover of SFR 2005

In the new approach, the focus of interpretation of forest cover is on capturing changes in the forest cover by comparing the previous forest cover map with the current satellite data.

While following the new approach, it was required that the previous forest cover maps are brought in the compatible form. For this, the forest cover maps of the previous cycle i.e. of SFR 2005 were revisited with polygon centric focus which led to refinement in the interpretation at several locations. Accordingly, area figures of forest cover of SFR 2005 were also revised. The Table 1.3.1 presents State wise revised area figures of forest cover of SFR 2005.

1.3.2 Tree Cover

Tree cover comprises tree patches of size less than 1 ha outside the recorded forest area (represented by the 'green wash' area on the Survey of India toposheets). Such small patches consisting of block, linear and scattered trees are not delineated as forest

cover during interpretation of satellite data.

The methodology of tree cover estimation has been refined in this SFR. Until previous assessments, the tree cover area under scattered trees and trees in urban areas were calculated using a regression model developed between dbh and crown area for each prominent species in each physiographic zone. This was an indirect method of estimation of tree cover. However, in the present SFR, tree cover of scattered and urban strata have been estimated directly from the crown diameter.

1.4 Forest Cover and Recorded Forest Area

The term 'Recorded Forest Area' refers to all the geographical areas recorded as 'forest' in government records. Recorded forest area largely consists of Reserved

Table 1.3.1: Original and revised area figures of forest cover of SFR 2005 (area in km²)

S. No.	States/UTs	Forest Cover Reported in SFR 2005				Revised Forest Cover of SFR 2005			
		VDF	MDF	OF	Total	VDF	MDF	OF	Total
1	Andhra Pradesh	130	24,199	20,043	44,372	820	24,805	19,606	45,231
2	Arunachal Pradesh	14,411	37,977	15,389	67,777	20,859	31,632	14,981	67,472
3	Assam	1,444	11,387	14,814	27,645	1,464	11,653	14,641	27,758
4	Bihar	110	3,004	2,465	5,579	232	3,253	3,322	6,807
5	Chhattisgarh	2,256	36,472	17,135	55,863	4,166	35,146	16,617	55,929
6	Delhi	0	54	122	176	7	50	120	177
7	Goa	55	1,095	1,014	2,164	511	626	1,019	2,156
8	Gujarat	114	6,024	8,577	14,715	376	5,319	8,909	14,604
9	Haryana	3	523	1,061	1,587	26	488	1,090	1,604
10	Himachal Pradesh	1,097	7,831	5441	14,369	3,224	6,386	5,056	14,666
11	Jammu & Kashmir	2,135	8,394	10,744	21,273	4,298	8,977	9,414	22,689
12	Jharkhand	2,544	9,078	10,969	22,591	2,595	9,892	10,235	22,722
13	Karnataka	464	21,634	13,153	35,251	1,772	20,196	14,232	36,200
14	Kerala	1,024	8,636	5,935	15,595	1,443	9,404	6,437	17,284
15	Madhya Pradesh	4,239	36,843	34,931	76,013	6,648	35,035	36,056	77,739
16	Maharashtra	8,191	20,193	19,092	47,476	8,747	20,847	21,067	50,661
17	Manipur	923	5,541	10,622	17,086	689	5,522	10,741	16,952
18	Meghalaya	338	6,808	9,842	16,988	334	9,527	7,344	17,205
19	Mizoram	133	6,173	12,378	18,684	134	6,384	12,082	18,600
20	Nagaland	236	5,602	7,881	13,719	1,280	5,072	7,313	13,665
21	Orissa	538	27,656	20,180	48,374	7,077	21,421	20,257	48,755
22	Punjab	0	723	835	1,558	0	738	922	1,660
23	Rajasthan	14	4,456	11,380	15,850	72	4,454	11,486	16,012
24	Sikkim	498	1,912	852	3,262	500	2,161	696	3,357
25	Tamil Nadu	2,650	9,790	10,604	23,044	2,925	10,189	10,200	23,314
26	Tripura	61	4,969	3,125	8,155	113	4,816	3,244	8,173
27	Uttar Pradesh	1,297	4,682	8,148	14,127	1,626	4,569	8,151	14,346
28	Uttarakhand	4,002	14,396	6,044	24,442	4,762	14,170	5,561	24,493
29	West Bengal	2,302	3,777	6,334	12,413	2,992	4,646	5,332	12,970
30	A&N Islands	3,359	2,646	624	6,629	3,779	2,414	470	6,663
31	Chandigarh	1	8	6	15	1	10	6	17
32	Dadra & Nagar Haveli	0	130	91	221	0	115	101	216
33	Daman & Diu	0	2	6	8	0	1	5	6
34	Lakshadweep	0	15	10	25	0	16	10	26
35	Puducherry	0	17	25	42	0	14	28	42
	Total	54,569	332,647	289,872	677,088	83,472	319,948	286,751	690,171

Forests (RF) and Protected Forests (PF), which have been constituted under the provisions of the Indian Forest Act 1927. Besides RFs and PFs, the recorded forest area may include all such areas, which have been recorded as forests in the revenue records often called 'unclassed forests' or have been constituted under any State Act or local laws. On the other hand, the term Forest Cover as used in the SFR refers to all lands more than one hectare in area with a tree canopy density of more than 10%. Thus 'Recorded Forest Area' denotes the legal status of the land, which may or may not have tree/forest cover, whereas Forest Cover indicates presence of tree cover over any land irrespective of ownership.

The recorded forest area figures under three categories viz, Reserved Forests, Protected Forests and Unclassed Forests as reported by the Forest Departments of the States and UTs have been presented in Table 1.4.1.

1.5 National Forest Inventory (NFI)

Forest inventory is primarily aimed at assessing the growing stock of the forests. It is one of the important indicators of forest health and productivity. In the recent past, it has gained further importance due to its role in estimation of forest carbon stock.

Forest inventory in India on a relatively large area basis using statistically robust approach and aerial photographs of selected areas started in 1965 when Pre-Investment Survey of Forest Resources (PISFR) was launched with the assistance of FAO/UNDP. The forest inventory remained an important activity of Forest Survey of India after its creation in 1981 reconstituting PISFR. Till 2001, a large part of the country's forest area was inventoried. FSI also started inventory of Trees outside Forests (TOF) since 1991, realizing its importance in fulfilling the timber and fuel wood needs of society. The TOF inventory was initially confined to sub-regional level only. Until 2001, national level estimates were not available for growing stock of forest and TOF. Therefore, from the year 2002, FSI initiated National Forest Inventory (NFI) and developed a methodology to generate national level estimates of growing stock on a two year cycle.

In the survey design adopted by FSI in 2002, the country has been stratified into 14 physiographic zones, and 60 districts are selected for detailed inventory of forest and TOF to generate the national level estimates of growing stock of forests and TOF in a period of two years. The first national level estimates of growing stock of forest and TOF was published in SFR 2003. Another important outcome of TOF inventory is tree cover estimate to give a complete picture of the forest and tree cover of the country to compare with the national goal of 33%.

The growing stock estimates under NFI pertain to all trees above 10 cm dbh and branches up to 5 cm diameter. From this data, only woody biomass can be estimated. However, the other components of forest biomass viz trees below 10 cm dbh, branches, foliage of tree above 10 cm dbh were not included in NFI. Therefore, for estimating these components of biomass, FSI launched a separate study in 2008 using new methods of sample collection for these additional components of the forest biomass. The study will finally result in new allometric equations giving total above ground biomass of the forests.

1.6 New Features in this State of Forest Report

1.6.1 Altitude Zone wise Forest Cover

FSI has done a study to assess altitude zone wise forest cover of the country. For this, a Digital Elevation Model (DEM) of Shuttle Radar Topography Mission (SRTM) has been used, with contour interval of 90 m. Using overlay analysis in GIS, forest cover in the following five altitudinal zones was assessed:

i. Up to 500 m
ii. 500 - 1,000 m
iii. 1,000 - 2,000 m
iv. 2,000 - 3,000 m
v. > 3,000 m

Along with climate and soil, altitude plays an important role in determining the type of forests. The information generated will be useful for biodiversity and wildlife habitat studies, working plans, productivity and plantation survival studies, and afforestation planning.

Chapter 2

FOREST COVER

2.1 Introduction

This chapter presents the findings of the 11th assessment of forest cover of the country, in the series of biennial assessments from 1987. The assessment of forest cover of the country is based on wall-to-wall mapping by interpretation of satellite data. The imagery of Indian Remote Sensing (IRS) satellite P6 LISS III sensor which has got spatial resolution of 23.5 m has been used (see box 2.1). The time of satellite data i.e. date of pass, largely falls in the time window of Oct 2006 to Feb 2007.

The interpretation of satellite data for forest cover mapping involves a series of steps of interpretation starting from rectification, contrast enhancement, masking, NDVI transformation, preparation of change maps and ground truthing exercise on the points spread across the country. It takes about two years time to complete the forest cover mapping of the country. Considering the special significance of forests in tribal districts, hill districts and the northeastern region of the country, the forest cover of these areas are separately analysed and changes compared to previous assessment for these areas. The results of two new studies giving forest cover distribution in different altitude zones and different forest type groups have also been presented in the chapter.

Forest cover as reported in this SFR, includes all lands having trees with canopy density 10 percent and above and with area 1 ha or more. The minimum mapped area is 1 ha of the forest cover, which corresponds to the cartographic limit (a polygon of the size 2 mm by 2 mm) on a map at 1:50,000 scale. The definition of forest cover in the SFR has been adopted considering the methodology of remote sensing followed by FSI as it takes into account scale o interpretation (1:50,000), the optimum size of cluster o pixels, resolution of digital satellite data (pixel size 23.5m x 23.5m) and the methodology for image interpretation According to FAO, the forest is defined as 'land spanning more than 0.5 hectares with trees higher than 5 meters and a canopy cover of more than 10 percent, or trees able to reach these thresholds in situ. It does not include land that is predominantly under agriculture or urban land use'.

The forest cover mapping presented here does not make any distinction between type and origin o trees i.e. natural or man-made. Also, it does no recognize the type of land ownership or land use and legal status of land. Thus, all species of trees (including bamboos, fruits, coconut, palms, etc.) and all types o lands (forest, private, community or institutional) are included as forest cover provided they satisfy the

Box 2.1

Features of IRS P6 – LISS III Sensor Data

Ground Resolution: 23.5 m in all the 4 bands

Spectral Resolution:	4 bands
Green	0.52 - 0.59μm
Red	0.62 - 0.68μm
Near Infrared	0.77 - 0.86μm
Short wave infrared	1.5 - 1.7μm

Radiometric Resolution: 7 bits i.e. 128 levels

Temporal Resolution (Repetivity): 24 days

Swath (width of the strip): 141 km

Area coverage of one scene: 20,000 km² approx

criteria of minimum density and area.

2.2 Satellite Data and its Period

The satellite data for the forest cover mapping was procured from National Remote Sensing Center (NRSC), Hyderabad in the digital form. The entire country is covered by 321 scenes of IRS P6 LISS III data each of which covers the area of approximately 20,000 km² on the ground, with adjoining scenes having some overlap.

The period of satellite data is an important consideration for forest cover mapping. If the time of acquisition of data is not appropriate, then it is possible that the deciduous forests not in foliage, with inadequate tone and texture could be discerned as non forest. The scenes should also not have more than 10% ground under cloud cover so as not to obscure the ground details. With these two criteria, each scene is selected after browsing the NRSC website. In the Indian conditions the satellite data of the period October to December is found most suitable for forest cover mapping. In the present report data for most of the States & UTs pertain to October to December 2006. Only in a few cases of North-East region and Andaman & Nicobar Islands, where availability of cloud-free data was difficult, the data period was extended up to March 2007. The period of satellite data used for each State and UT has been mentioned in the respective sections of the Chapter 7.

2.3 Methodology

The methodology of forest cover mapping involves a series of steps of processing of satellite data using digital image processing (DIP) software as shown in Fig 2.1. A hybrid approach is followed wherein advantages of the algorithms available in the software

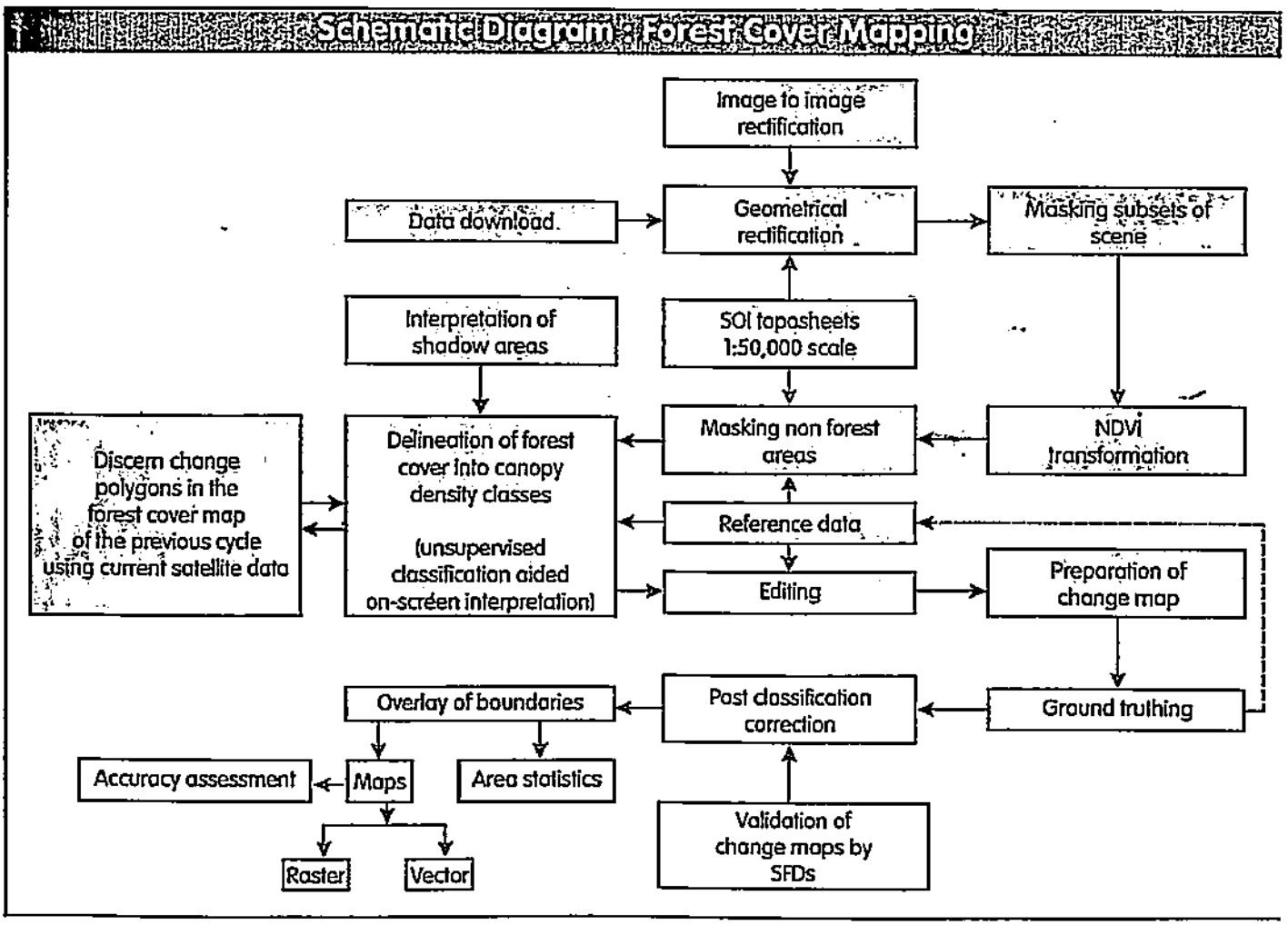


Fig. 2.1: Flow chart showing methodology of forest cover mapping

and experience and ground knowledge of the interpreter are used.

There is a significant change in the methodology followed in the current forest cover mapping, wherein vector approach has been followed in place of raster. The new approach focuses on each polygon where change in forest cover has occurred either due to improvement or degradation. Due to this change in the methodology, the subjectivity in the interpretation has been greatly reduced. The vector output of the forest cover will provide improved cartographic presentation and facilitate GIS analysis.

To begin with, geometric rectification of the satellite imageries is carried out with the help of scanned and geo-referenced Survey of India (SOI) Toposheets on 1:50,000 scale. The methodology of interpretation involves a hybrid approach in which unsupervised classification (ISODATA algorithm) aided by on-screen visual interpretation of forest cover is done.

In order to make the current forest cover (2007) with the new methodology comparable with preceding one (2005), the satellite data of 2005 was re-interpreted with new methodology. Compatibility of geometric rectification was ensured with the help of a new module of the ERDAS Imagine software called Auto Sync. Normalized Difference Vegetation Index (NDVI) transformation was used for removing non-vegetated areas from the scene.

Interpretation was then followed by extensive ground verification. All the necessary corrections were subsequently incorporated. Reference data collected through ground truth and field experience of the interpreter played an important role in delineating the forest cover patches and classifying them into the three canopy density classes. The classification scheme of forest cover mapping is as follows.

Very Dense Forest	All lands with tree cover of canopy density of 70% and above
Moderately Dense Forest	All lands with tree cover of canopy density between 40% and 70%
Open Forest	All lands with tree cover of canopy density between 10% and 40%.
Scrub	Degraded forest lands with canopy density less than 10 %.
Non-forest	Any area not included in the above classes.

Sheet wise mosaic of districts and States/UTs was made using SOI and census data to compute district wise and State/UT wise forest cover.

Degraded forests with tree canopy density less than 10 percent have been classified as scrub, which does not form part of the forest cover.

Shadow areas in the scenes have been treated separately. Shadow regions on the images are highlighted using band ratio techniques. Forest cover classification of the totally obscured areas due to shadow or cloud cover has been done using the ground truth information.

Mangrove forests have characteristic tone and texture on the satellite image. Their presence on the coastal areas makes them even more conspicuous. Considering the high ecological significance, the mangrove forest cover has been separately mapped in the three canopy density classes.

2.4 Accuracy Assessment

Accuracy assessment is an essential part of remote sensing based mapping. The degree of matching of interpreted satellite data with the ground reality gives the accuracy level. Accuracy assessment for the forest cover mapping was done as an independent exercise for which randomly selected sample points were verified on the ground and tallied with interpreted data. In this assessment 4,302 points randomly distributed over the entire country were selected and the verification was done using field inventory data as well as high resolution satellite data (5.8 m). The detailed procedure of accuracy assessment has been described in Chapter 6. The error matrix presented in Table 6.3.1 reveals that out of the total 4,302 sampling points, classification of 3,962 was correct. The overall accuracy of the forest cover mapping therefore comes to be 92.10%. If the mapping is considered in two classes only i.e. forest cover and non-forest, the accuracy rises to 95.72%.

2.5 Limitations of Remote Sensing Technology in Forest Cover Mapping

There are limitations of the mapping done by interpretation of remote sensing data. The limitations are largely related to the spatial, spectral and radiometric resolutions of the satellite data used in the

mapping. Often, adverse weather conditions prevailing at the time of capturing of the satellite image lead to low quality of image, which poses problems in discerning the features to be mapped. Some of the important limitations in forest cover mapping using IRS P6 LISS III data are as follows:

- The linear strips of forest cover along roads, canals, bunds and railway lines of lesser width are generally not captured.
- Young plantations are generally not discernible.
- Considerable details on ground may be obscured in areas having clouds and shadows. It is difficult to interpret such areas without the help of collateral data or ground truth.
- Gregarious occurrence of bushy vegetation and certain agricultural crops, such as sugarcane cotton, lantana, etc., often poses problems ir delineation of forest cover.

2.6 Forest Cover: 2007 Assessment

The forest cover of the country according t the current assessment is given in Table 2.6.1 and alsc presented in the pie chart in Fig 2.4. Forest cover i: shown in three density classes, viz., very dense fores (VDF), moderately dense forests (MDF), and oper forests (OF). Scrub areas have also been delineated As mentioned earlier, area under VDF, MDF and O also includes mangrove cover of the corresponding density class.

The forest cover of the country as per 200 assessment is 690,899 km^2 which is 21.02 percent o

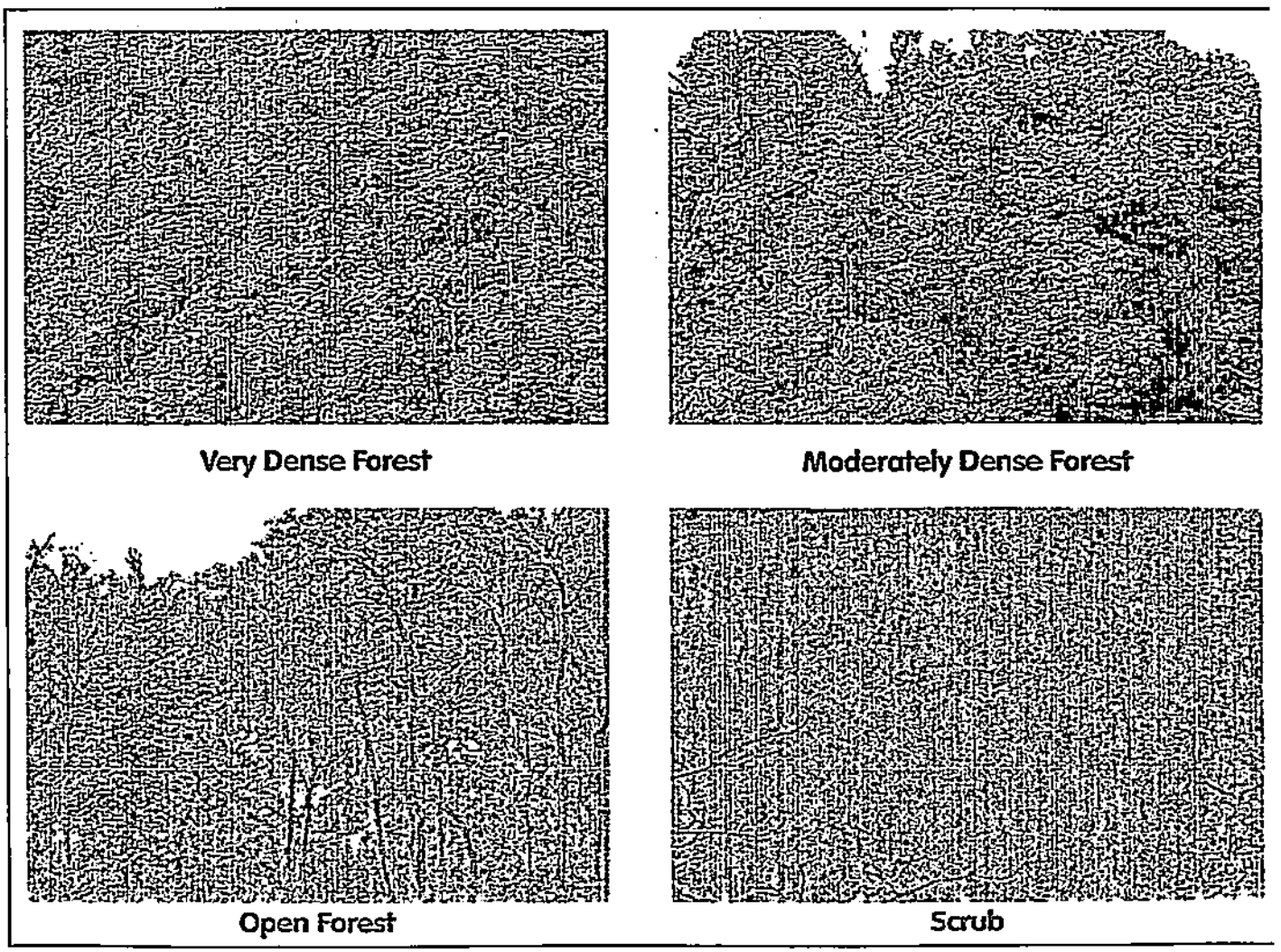


Fig. 2.2 Pictorial illustration of different classes of forest cover & scrub

7.7 GOA

7.7.1 Introduction

Goa, the popular tourist destination in the country, is located on the west coast nestled between the States of Maharashtra and Karnataka and lies on Coastal plains between Western Ghats and Arabian Sea. It lies between latitude 14°53' to 15°40' N and between longitude 73°40' to 74°21' E with a geographical area of 3,702 km². Mandovi and Zuari are two major rivers which are lifelines of Goa originating from Western Ghats and flowing towards southern boundary to join the Arabian Sea. The land use pattern of the State is shown in Table 7.7.1.

The mean temperature in the State ranges from 16.2°C to 36.7°C. The average annual rainfall is 3,790 mm.

The total population of the State is 1.35 million (Census 2001). Of this, rural population is 50.24% and urban 49.76%. The population density is 427 persons per km². The projected population of the State by the Office of RGI, for the year 2009 is 1.66 million. The livestock population is 212,000 (Livestock Census 2003).

7.7.2 Recorded Forest Area

The recorded forest area in the State is 1,224 km², which is 33.06% of the geographical area. Of this, the Reserved Forests constitute 20.67%, Protected Forests 69.04% and Unclassed Forests 10.29% of the total forest area.

7.7.3 Protected Areas

The State has one National Park (Mollem) and 6 Wildlife Sanctuaries covering an area of 107 km² and 648 km² respectively. Thus a total of 755 km² area constituting 20.4% of the geographical area of the State is under protected area network.

7.7.4 Joint Forest Management

The Government of Goa started Joint Forest Management in 2003. There are 26 JFM committees managing 10,000 ha of forest area where 336 families are involved. As per JFM notification of Goa, sharing of benefits is not based on harvested forest produce but on the value addition to the forests being protected by the JFM committees.
Source: MoEF, 2005.

7.7.5 Forest Cover

The forest cover in the State, based on interpretation of satellite data of January 2007, is 2,151 km², which is 58.10% of the State's geographical area. In terms of forest canopy density classes, the State has 511 km² very dense forest, 624 km² moderately dense forest, and 1,016 km² open forest. The distribution of forest cover of the State is shown in Fig.7.7.

Comparison of the current forest cover (satellite data of Jan 2007) with the previous assessment (satellite data of Dec 2004) shows a loss of 5 km² o

Table 7.7.1 : Land use pattern

Land Use	Area in '000 ha	Percentage
Total geographical area	370	
Reporting area for land utilization	361	100.00
Forests	125	34.63
Not available for cultivation	37	10.25
Permanent pastures and other grazing lands	1	0.28
Land under misc. tree crops & groves	1	0.28
Culturable wasteland	53	14.68
Fallow lands other than current fallows		0.00
Current fallows	7	1.94
Net area sown	137	37.95

Source: Land Use Statistics, Ministry of Agriculture, GOI, 2006.

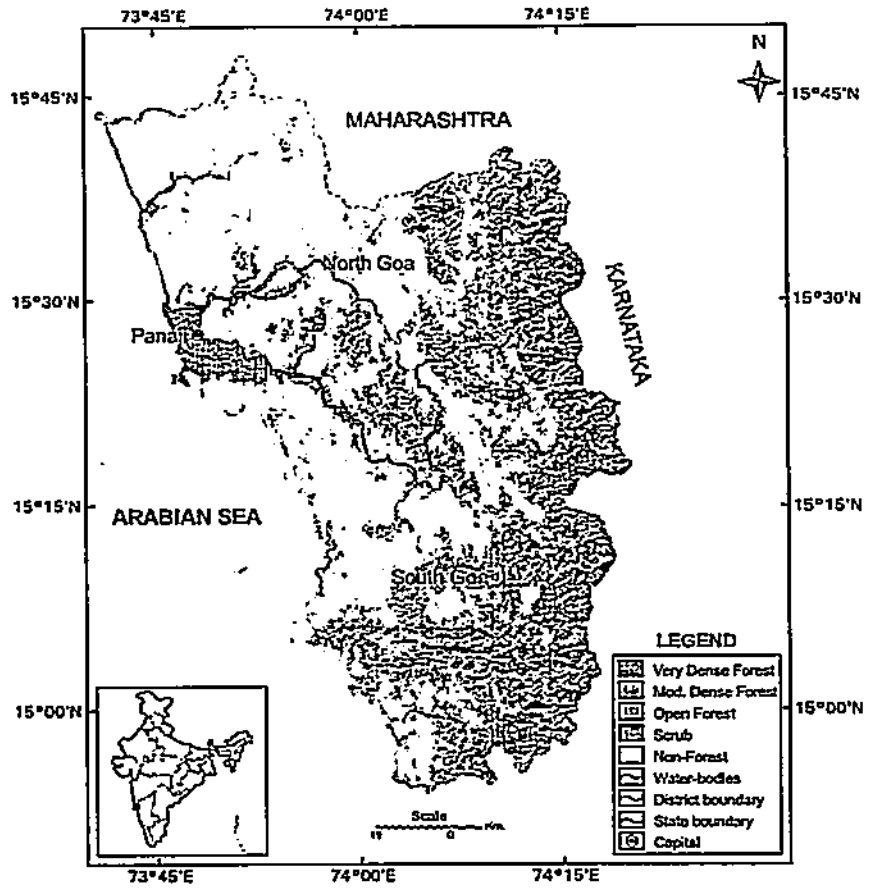
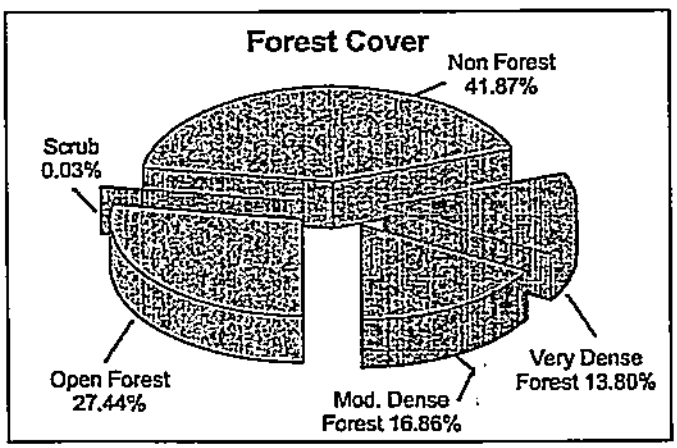


Fig 7.7 : Forest cover map of Goa



forest cover.

The change matrix, given in Table 7.7.2, reveals that there has been a decrease of 2 km^2 in the moderately dense forest and 3 km^2 in open forest.

On the basis of ground truthing by the officials of FSI and the information gathered from the State Forest Department, main reasons for the decrease in forest cover in the State is loss in TOF area.

District wise forest cover in different canopy density classes and scrub along with the changes compared to 2005 assessment is given in the Table 7.7.3.

Table 7.7.2: Forest cover change matrix (area in km²)

2005 Assessment (Data of Dec 2004)	2007 (Data of Jan 2007)					Total of 2005
	VDF	MDF	OF	Scrub	NF	
Very Dense Forest	511	0	0	0	0	511
Moderately Dense Forest	0	624	0	0	2	626
Open Forest	0	0	1015	0	4	1,019
Scrub	0	0	0	1	0	1
Non-Forest	0	0	1	0	1,544	1,545
Total of 2007	**511**	**624**	**1,016**	**1**	**1,550**	**3,702**
Net Change	0	-2	-3	0	5	

Table 7.7.3: District-wise forest cover in 2007
Number of districts: 2 (area in km²)

District	Geographical area	Very dense forest	Mod. dense forest	Open forest	Total	% of G.A.	Change*	Scrub
North Goa	1,736	119	247	499	865	49.83	-3	0
South Goa	1,966	392	377	517	1,286	65.41	-2	1
Total	**3,702**	**511**	**624**	**1,016**	**2,151**	**58.10**	**-5**	**1**

* Change compared to 2005 assessment (revised).

7.7.6 Altitude Zone wise Forest Cover

Forest cover of the State in different altitude zones is given in Table 7.7.4.

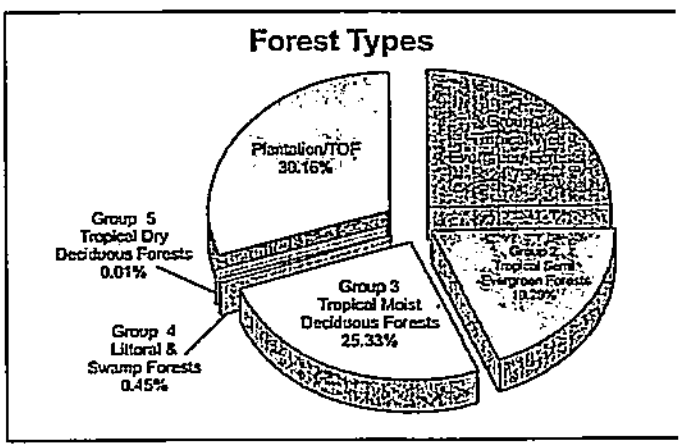
Table 7.7.4: Altitude zone wise forest cover (area in km²)

Altitude Zone	VDF	MDF	OF	Total
0-500m	431	593	975	1,999
500-1000m	80	31	41	152
Total	**511**	**624**	**1,016**	**2,151**

(based on SRTM Digital Elevation Model)

7.7.7 Forest Cover in different Forest Types

As per Champion & Seth Classification, the State has 5 forest types which belong to 5 forest type groups viz Tropical Wet Evergreen, Tropical Semi Evergreen, Tropical Moist Deciduous, Tropical Dry Deciduous Forests and Littoral & Swamp forests. Distribution of forest cover in different forest type groups found in the State is given in the pie diagram.



7.7.8 Tree Cover

Tree cover of the State has been estimated using sample data of TOF inventory collected over a period of six years i.e. 2002-08. The estimated tree

cover in the State is 286 km² which is 7.73 % of the geographical area of the State. North Goa district of the State has been inventoried. The forest and tree cover o the State is presented in the Table 7.7.5.

Table 7.7.5: Forest & tree cover

(area in km²

Category	Area	% of Geographical area
Tree Cover	286	7.73
Forest Cover	2,151	58.10
Forest & Tree Cover	**2,437**	**65.83**

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जयराम रमेश
JAIRAM RAMESH

सत्यमेव जयते

राज्य मंत्री (स्वतंत्र प्रभार)
पर्यावरण एवं वन
भारत सरकार
नई दिल्ली-110003
MINISTER OF STATE (INDEPENDENT CHARGE)
ENVIRONMENT & FORESTS
GOVERNMENT OF INDIA
NEW DELHI - 110 003

Foreword

I am pleased to introduce the draft mission document for the National Mission for a Green India. This document, prepared by a team of experts from both within and outside the government, lays out the approach we wish to pursue to fast track our efforts in the forestry sector, with the overarching target of doubling the area to be taken up for afforestation/eco-restoration in India in the next 10 years, taking the total area to be afforested or eco-restored to 20 million ha.

The National Mission for a Green India, or the Green India Mission (GIM), is one of the eight National Missions under India's National Action Plan on Climate Change, announced by the Hon'ble Prime Minister in June 2008.

I believe this Mission document envisages an approach that is innovative in several ways:

First, it proposes a fundamental shift in mindset from our traditional focus of increasing the *quantity* of forest cover, to increasing the *quality* of our forest cover. Hence, a major focus is to increase cover and density of our medium density forests and degraded forests.

Second, the Mission proposes to take a *holistic* view of forestry, and not merely focus on plantations to meet carbon sequestration targets. There is a clear focus on preserving and enhancing biodiversity, and restoring other ecosystems and habitats including grasslands/scrub, mangrove forests, and the wetlands. The Mission has deliberately stayed away from focusing on the traditional plantation forestry model and looks at forestry in the widest context.

Third, there is a deliberate and major focus on decentralization, and a conscious attempt to involve local governance institutions in the implementation of the Mission. We cannot forget that forests are the main source of livelihood to over 200 million people in our country, and hence any initiative to conserve our forests and improve their quality cannot succeed without the active participation of local communities.

Fourth, we plan to engage the public citizens and civil society in the design of the Mission itself. It is with this aim that we are conducting a series of public consultations on the draft mission document across the country over the next few weeks. I am looking forward to personally engaging in these discussions and enhancing the Mission structure at the initial stage based on the inputs that we receive.

I thank our team who has been working on the Mission document and look forward to your inputs on this critical national endeavour.

Jairam Ramesh
(Jairam Ramesh)
2.6.2010

Ministry of Environment and Forests
GOVERNMENT OF INDIA

Comments

Annex1

TENTATIVE MISSION COSTS

For Sub Missions/ Interventions to achieve Mission outputs/targets:

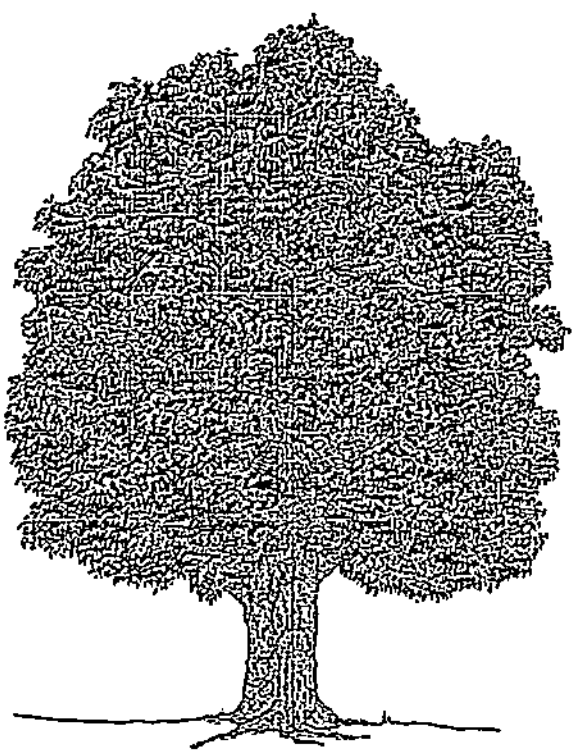
Model/ components	Unit Cost (Rs/ha)	Area (Millio n ha)	Total Cost (Rs.cr)
Treatment Costs(TC)			
Sub Mission 1Moderately dense forests	15,000	2.0	3000
Sub Mission 2Degraded/ Open forests	30,000	4.0	12,000
Sub Mission 3 – Scrub /grasslands ecosystem	25,000	2.0	5,000
Sub Mission 4 Mangrove Ecosystem	50000	0.10	500
Sub Mission 5 Wetland Ecosystem	60,000	0.10	600
Sub Mission 6Urban/ Periurban/Institutional lands	100,000	0.20	2000
Sub Mission 7Agroforestry & social forestry (10)	50,000	1.50	7,500
Sub Mission 8Corridors (1.0)	LS 50,000	0.10	500
Sub Total (Sub Mission 1 – Sub Mission 8)	**10.0**	**31,100**	
Sub Mission 9Improved cook stoves (10 million)	@ 600 Rs / IC	100.00 pc	600
Total		**10.0**	**31,700 or say 32,000**

Comments

B. For Support Activities

Activities	Cost
Research (5% of A)	1600
Publicity/Media/outreach activities(1% of A)	320
GIS/Monitoring and Evaluation (2%of A)	640
Livelihood improvement activities , (5 %f A)	1600
Strengthening local level institutions (5%)	1600
Strengthening FDs (10%)	3200
Overheads, Mission Directorate (10%)	3200
Total	**12,160 or say 12,000**

Total 32000 + 12000= 44,000



Comments

Annex2

CARBON SEQUESTRATION POTENTIAL OF THE MISSION INTERVENTIONS

Mission components	Area (million ha)	Carbon Sequestration value (tC/ha/ year)	Carbon (million tons)	CO2 –e (million tons)	Remark
Sub Mission 1: Areas/sub landscapes with moderately dense forests	2.0	0.4	0.80	2.93	IPCC value
Sub Mission 2Areas/ sub landscapes with degraded forests	4.0	1.5	6.0	22.02	An average C seq. value of 1.5 tC/ha /year has been arrived from 0.4 t/C/ha/ year and 2.75 t/C /ha/year xii (refer end note)
Sub Mission 3 – Areas/ sub landscapes with scrub/grasslands vegetation	2.0	0.7	1.40	5.10	IPCC value
Sub Mission 4 Mangrove Ecosystem	0.10	2.56	0.25	0.91	As per productivity estimates
Sub Mission 5 Wetland conservation	0.10	0.4	0.04	0.14	IPCC value
Sub Mission Urban/ Periurban / Institutional lands	0.20	0.3	0.06	0.22	IPCC value
Sub Mission 7 Agroforestry & social forestry (0.80 m ha area under improved agroforestry; 70 m ha as increased area)	1.50 (0.8 + 0.7)	0.3 (improved agroforestry) 3.1 for new areas	2.41	8.14	IPCC value & as per productivity estimates
Sub Mission 8 Corridors (1.0)	0.10	-	-	-	-
Total (Sub Mission 1-8)	**10.00**		**10.96**	**39.46**	
Sub Mission 9 Improved cook stoves (10 million	100.00 pc	-	0.98	3.62	
Grand Total	**10.00**		**11.94**	**43.08**	

14 IPCC-LULUCF, 2000; page 14

Comments

Annex3

Forest/Non Forest areas to be treated over next 10 years +

Type of area and the density class	Extent of area (in Million ha)	Area likely to be treated under existing program schemes till 2020 (Million ha)	Areas to be treated under the Green India Mission (Million ha)
Moderately dense forest (4070%)	31.90	2.0	2.0
Open Forests* (1040 %)	28.84	6.0	4.00
Scrub/Grasslands	4.15		2.0
Non Forests land	255.49	2.0	2.0
		10.0	10.0

END NOTES:

The landscapes can be defined, based on a range of attributes from bio-physical to cultural attributes. The landscape from species conservation point of view may mean contiguity of the habitat to meet need of species / populations. For instance, Tadoba – Andheri landscape of 2000 sq km , including PA, buffers , corridors , non forests that may meet requirement of viable tiger population. From Livelihood-Conservation point of view, Buchnania –Terminalia dominated NTFP landscape of 70 sq km (including forest and non forest lands) in Seoni district in MP that provides livelihood incomes from NTFP to over a dozen villages. The landforms like Satpura make a very large landscape that provide catchments of many rivers and are house to rich biodiversity and cultural diversity.

Vulnerability assessment done at IISc Bangalore using HadRM3 using A2/B2 scenario and global vegetation response model IBIS. The assessment has looked at forest grids projected to undergo change in different states.

As per the latest Forest Survey of India report (2009), total area of very dense/dense forests including PAs is 40.25 million ha. Of these, about 15 million ha is under protected area network (National Parks and Wildlife Sanctuaries), thus leaving 25 mha of the remaining very dense/dense forests.

According to one of the estimates put up by TERI (2009) there is huge potential of 85 million ICs in the country, which could save 17 MT of fuel wood every year.

There were about 106,482 JFM committees protecting about 22.01 million hectare of forests—approximately a third of the land with the forest departments in the country. (MoEF,2006)

The Gram Sabha has same meaning as specified in 73 Constitutional amendment and Panchayat Raj Extension in Scheduled Area,1996

Adaptive Silviculture: A few key elements

- The management unit is JFMC /CFM/ /Community Forest Resource or a cluster of such units.
- Participatory assessment of forests condition including growing stock/carbon stock enumeration and regeneration survey

of both timber and non-timber species is done at local level by community, supported by frontline forest staff, using both traditional ecological knowledge as well as scientific measurements. Similarly, community need assessment with regards to range of forest goods and services is done using participatory methodology.

- Micro-plan is governed by participatory objective setting, to meet the need of all sections of the society. Prioritisation across range of goods and services addresses intra-community, inter-community as well as inter-generational needs vis-à-vis forest goods and services. For instance, balancing needs of village poor for fuel wood and poles verses need of relatively well to do farmers for timber. Micro-plans to dwell both at supply as well as demand management of forest produce and services.
- Silvicultural tools like cut back operations, singling , thinning, gap planting and regulated harvesting of NTFPs are applied innovatively, taking JFMC/CFR forests as unit, but option of federating at higher level for inventory, planning and monitoring.
- Provides for impact monitoring on periodic basis to modify practices as and when required to ensure regular and sustained provisioning of forest goods and services (including carbon, water, biodiverisity) along with continuous improvement of forests.

Simplification of rules governing the harvest, sale and transit of short rotation trees on private lands such as eucalyptus and popular and on NTFPs occurring on all lands has helped, though long rotation tree species such as teak are still highly regulated, as are high value NTFPs such as Tendu (Saigal, 2002, Agarwal 2003). There is considerable scope for regulatory changes and institutional and market development that can empower and incentivise low income producers and collectors. Changes in the legislation and regulations that govern this public-private interaction would reduce the regulatory burden on producers, the implementation burden on the regulating agency and thereby likely increase the incentives for small-scale private participation in generating forest based incomes, as well as free up scarce (and expensive and valuable) forest department resources for more productive use

Lok Vaniki in MP

Recognizing the constraints to private forestry, an attempt was made in state of Madhya Pradesh to deregulate for long rotation species as well, for farmers willing to get management plans in place for their forests prepared by a chartered forester. Lok Vaniki or Peoples Forestry is governed by the Madhya Pradesh Lok Vaniki Rules 2002, issued under Section 11 of the Madhya Pradesh Lok Vaniki Adhiniyam, 2001. The rules provide requirements for managing "tree clad" areas on private lands and revenue lands. A key provision of the rules is that farmers who develop management plans to manage their forests under Lok Vaniki are provided a regulatory waiver from the web of pre-existing rules governing harvesting of trees on private lands . Lok Vaniki is designed to motivate farmers to think of long term forest management and not one time harvest and conversion of land use. In Dewas, on private forests –mean annual increments (MAI) can reportedly be increased from 0.46 to 1.5 m3/ha with scientific management. In the few districts in MP where several hundred forests have been brought under management, farmers have benefited from harvesting their long standing trees, predominantly of teak. The real policy attractiveness of the Lok Vaniki program is that it has the potential to double state timber output without any investment by the state government and also increase returns to farmers, besides contributing to carbon sequestration and other local environmental benefits. Large-scale implementation would also free up scarce government resources as less regulatory oversight would be required. Little streamlining, the Lok Vaniki program can dramatically enhance the investment climate for small scale private forestry, lead to an increase in planting, sustainable management, and increased supply of timber from extensive forests outside FD forest land.

REDD Plus: India advocates a comprehensive approach to REDD (Reduced Emissions from Deforestation and Degradation) which has been termed as REDD Plus approach. The approach argues for compensating countries not only for reducing deforestation but also for conservation and, sustainable management of forests and increase in forest cover (ICFRE, 2007). In its submission to UNFCC in August 2009, India has elaborated REDD as Reducing Emissions from Deforestation in Developing countries, Sustainable Management of Forests (SFM) and Afforestation and Reforestation (A/R) which further substantiates its comprehensive approach. (MoEF,2009)

Project , Think Global Act Local; Singh 2009; and other such project using community youths to measure ecosystem services

The average value of carbon sequestration for open forests has been considered: a) based on the estimates shown in Technical paper of ICFRE India's Forest and Tree Cover : Contribution as Carbon Sink , page 10 and b) personal communication Kant, Pramode.

IN THE HIGH COURT OF BOMBAY AT GOA

Writ Petition No. 334/2006

The Goa Foundation .....Petitioner

V/s

State of Goa and Ors., ...Respondents

AFFIDAVIT

I, Shri G. Kumar , Conservator of Forests (Conservation), aged 52 years, Indian National, having my office at Panaji-Goa, do hereby on solemn affirmation state and submit as under:-

1. I say that I am filing this affidavit for limited purpose of dealing with the averments made by the Petitioners organization in the additional affidavit dated 20/07/2010 and affidavit filed in September 2010.

2. I say that it is denied that the sources as mentioned by the Petitioner in para I of the additional affidavit could be relied upon by the Respondents and or the expert committees for information relating to areas which form part of forest.

3. With reference to para I (a) of the additional affidavit, I say that it is incorrect to state that Form III can be the basis for indentifying private forest lands. Form III does not classify any land as forest land. At the highest Form III may show that a particular land belongs to the Forest Department of the State, in which case, if the entry pertains to forest land the same will pertain to a Government Forest. Private forest lands are not shown as forest lands either in Form III, that is, before promulgation or in Form I and XIV, that is, after promulgation.

   In any case in view of the assertion of the Petitioner in their affidavit, clarification was sought from the Director of Land

Surveys. It has been clarified by the Directorate of Settlement and Land Records (DSLR) that Form III does not indicate the nature of any land as a forest.

4. I say that the Goa Daman and Diu Forest Code provides for the preparation of working plan for the scientific management of Forest. The Code is intended to define the administrative setup of the department and its working, the functions of the officers of the Department and the initial accounts to be maintained by them.

The functions of the Department under the Code include the preparation of Working Plan for the scientific management of forest, the construction of roads, bridges, timber slides etc. for the opening up of remote and inaccessible forest, sowing and planting, silvicultural operations working plans, valuation, surveys and felling, extraction and disposal of timber and other forest produce and other items of work in connection with forest administration.

5. I say that the provision of the code have been approved by the Government of India vide Under Secretary, Government of India , Ministry of Agriculture's letter No. 11-1/79-F. 11 dated 24-4-79 and have been enforced w.e.f. 1/6/79 vide Under Secretary, Forest & Agriculture's letter No. 7-3-77-FOR dated 11/5/79.

6. With respect to para I (b) of the additional affidavit, I say that a Working Plan is a written scheme of management aiming at a continuity of policy controlling the systematic treatment of a forest. I say that the working plan signifies the plan of action required to be undertaken with respect to Government forests for the North and South Goa divisions, laying down the plan for their maintenance and further development. It is a document of the Forest Department prescribing various time-scheduled treatments to be given to the Government Forest in a forest Division during a period of ten consecutive years, from the point of view of maintaining developing and improving the forest. The Working Plan contains the list of Government forest areas by their local names and Survey Nos. in a Forest Division that are proposed to be treated under it. Working Plans were as far as possible, to be

prepared for all forests or groups of forests under the management of the department. The working plans contain a short description of the area of the forest for which it is proposed to prepare a working plan indicating therein and on a map the working circle or circles to be formed.

7. The working plan is drawn up under the instructions of the Conservator of Forests and after being approved by the Conservator of Forests, it has to be submitted (in duplicate) to Government for sanction, accompanied by a short tabulated resume of its prescriptions.

8. I say that the Sawant Committee obtained the details of the Government Forests in the State from these working plans and that was the only relevance of the working plans to the Committee. There has been no records of existence or details of forests standing on private land anywhere in the Government offices. I say that inadvertently in a very few cases the private lands might have been included in working plans; I say that the working plans are only applicable to Government forest and not to Private /Revenue Forest.

9. With respect to 1(c) of the additional affidavit, I say that as per Diploma 644 of the year 1930, the then Portuguese Government had declared its intention to constitute "Forests on the Hills" as "National Forests". In the year 1951, the detailed lists of all such forests on the hills in the state, were published village wise as "Mata Nacional", that is, National Forests. This list indicated the forests by name of the particular dongor (hill).

I say that the official notification dated 11/01/1951 was only with respect to the Government forest. I say that simultaneously the Government also decided to erect firm features around the said National Forests indicating their boundaries. These firm features were supposed to be in the form of conical heap of stones about a meter round at the base, tapering towards the top and a meter high and were called as "vonnem". The work of erecting Vonnem was also started, especially in some pockets in South Goa and

some of these vonnem are still seen. However, this work had to be discontinued as the exact boundaries of the individual dongor were not spelt out in Mata Nacional and therefore the work was not completed.

I say that most of the Mata Nacional areas were taken over after independence as Government Forests, duly recognizing their boundaries as surveyed by the Land Survey Department.

10. It is significant to note that the Government forest which were allotted by way of grants were not included in the 'Mata Nacional' therefore the 'Mata Nacional' cannot be relied upon to identify private forest and/or areas which were earlier forest but stand degraded, denuded or cleared.

11. With respect to para 2 of the additional affidavit, I say that the Government has identified all those survey numbers that are recorded as forest in the Government records. I say that as regards the mining lease, the area given on lease or by way of grants is not included in the 'Mata Nacional'. However, I say that the Sawant Committee had already obtained the data on clearings and diversion made on Government forest lands for the purpose of mining and other developmental works from 1980 from the Government records. The committees had already identified an area of 13.0798 sq.kms which has been cleared and diverted for various purposes. As per the report of the Sawant Committee out of the area of 13.0798 sq kms, an area of 11.1081 sq. kms had been cleared and diverted for mining purpose from the year 1980. I say that a break up of the areas cleared and diverted has been given for various purposes and has been clearly stated by the Sawant Committee on page 17(internal pg. 9) of their report.

12. The area diverted for mining has been worked on the basis of forest areas which form part of various leases renewed under Forest Conservation Act, 1980 for a period of 10 to 20 years. Out of 11.1081 sq.km renewed, actual diversion shall be only 5.6381 sq. km and the balance area of 5.47 sq. km is meant for buffer zone.

13. It is denied that lands having tree canopy density of 0.1 to 0.4 (i.10% to 40%) fall within the definition of forest. I say that the Petitioner herein has also filed Writ Petition No.495 of 2010 challenging the criteria for identification of forest lands. I further say that an detailed affidavit has been filed by the Government in Writ Petition No. 495 of 2010 dealing with this contention of the Petitioner. I crave leave to reply upon the contents of the said affidavit.

14. I further say that the criteria of 0.4 and above canopy density was evolved and adopted by the Sawant Committee constituted by the State Government , based on the meaning of the word "Forest" as given by the Hon'ble Supreme Court in its order dated 12.12.1996 in Writ Petition No. 202 of 1995.

15. I say that in the year 2001 the Petitioner herein instituted Writ Petition No. 181/2001 in the Hon'ble Supreme Court of India praying for a direction to the State Government to honour the Sawant Committee report and not to meddle with it. I say that the report prepared by the Sawant Committee on private forest was based on that very same criteria and the said report was also placed before the Hon'ble Supreme Court Accordingly, the Honorable Supreme Court passed interim order dated 04/05/2001 directing that no action be taken contrary to the final report of Sawant Committee. Subsequently, the Writ Petition No. 181/2001 was disposed off by the Hon'ble Supreme Court as the prayer no more stood in the wake of the constitution of the Karapurkar Committee and submission of their reports by both the Sawant Committee and the Karapurkar Committee to the Hon'ble Supreme Court.

16. I say that in the case of ***Tata Housing Development Corporation Ltd. v. Goa Foundation & Ors., reported in 2003 (11) SCC 714***, in which case the Petitioner herein was also a Party Respondent, the Supreme Court has very strongly disapproved of the change in criteria for classification of a land as 'forest', as followed by the Sawant Committee in its Third Interim Report (which criteria was completely different from what was followed by the said Committee in its Second Interim Report.

It is pertinent to note that in the said Second Interim Report, the Sawant Committee had laid down three criteria for identifying a forest:

i. That 75% of the composition of trees should be of forestry species;

ii. That the area should be contiguous to Government Forest and if in isolation, then the minimum area should be five hectares; and

iii. That the canopy density should not be less than 0.4 *i.e.* 40%.

17. Whereas in the Third Interim Report, the Committee followed a completely different criteria viz. that of Satellite Imagery & Toposheets and Nature Green Cover Maps, which was in fact rejected by the Sawant Committee itself in its Second Interim Report.

18. In the aforesaid case, the Supreme Court held that the Third Interim Report could not be accepted.* Similarly, the Supreme Court came down very heavily on the action of the Sawant Committee in classifying a particular land as 'forest' on the basis of altogether different criteria (which was not only different from the earlier criteria but also rejected in the said earlier Report). Incidentally, the criteria followed presently are the same as prescribed by the Sawant Committee in its Second Interim Report. In the circumstances aforesaid and considering the decision of the Supreme Court in the aforesaid case, the Petitioner's case for change in criteria for classification of 'forest' would not only be unfeasible, and unwarranted ~~and~~ but most pertinently, in patent breach of the observations of the Supreme Court in the *Tata Housing Case*, to which decision, the Petitioner itself was a party.

19. I say that it is the prerogative of the State Government to decide as to what criteria has to adopted in determining whether a particular area /patch of vegetation is a forest or not. I say that no other authority can

decide as to what should be the criteria to be adopted by the State Government in identifying forest lands in the State as per the order of the Hon'ble Supreme Court.

20. I say that whatever is a what is stated in para 1(p) and 2 to 19(p) above is based on records of my office to which I have access and the contents of the remaining paras are my submissions based on legal advice

Solemnly affirmed at Panaji
On this 11th day of April, 2013 DEPONENT

Identified by: -

(Adv. Sapna Mordekar

filed on 22/10/07

Disposed 7/1/13

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,

GOA BENCH, AT PANAJI

MCA No. 215/2007

in

Writ Petition No.334 of 2006

The Goa Foundation	)...Applicant
in	
The Goa Foundation	)... Petitioner
v/s	
State Of Goa and another	)... Respondents

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Panaji dated 22/10/07

Advocate for applicant

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
GOA BENCH, AT PANAJI

MCA No. 2007
in
WRIT PETITION NO. 334 of 2006

Goa Foundation.) Applicant

in

Goa Foundation, a society registered under)
the Societies Registration Act, 1960,)
through its Secretary, Dr. Claude Alvares,)
and having its registered office)
at Room 7, Above Mapusa Clinic,)
Mapusa, Goa) ..Petitioner

v/s.

1. State of Goa through)
its Chief Secretary)
Government of Goa,)
Secretariat, Porvorim, Goa.)

2. The Chief Conservator of Forest,)
Forest Department,)
Gomantak Maratha Mandir,)
Panaji, Goa.)

3. The Secretary,)
Ministry of Environment and Forests,)
Paryavaran Bhavan,)
C.G.O Complex, Lodi Road,)
New-Delhi 110 003)

4. The Tree Officer,)
Office of the DCF, North Goa,)
Ponda, Goa.)

5. The Tree Officer,)
Office of the DCF, South Goa,)
Margao, Goa.)

6. The Collector, North Goa)
North Goa Collectorate,)
Panaji, Goa.)

7. The Collector, South Goa)
South Goa Collectorate,)
Margao, Goa.)...Respondents

(The above are the registered addresses of parties.)

APPLICATION FOR ADDITIONAL DIRECTIONS

May it please your Lordships

1. The above writ petition was filed *interalia* for the following reliefs:

   Prayer (a) For an order directing the Government of Goa to complete the process of identification of private forests in the State within a time-bound period in terms of the Apex Court's order dated 12-12-1996 in *Godavarman v/s UOI* and report compliance.

2. The petition was heard several times prior to admission as the Respondent State was unable to indicate to this Hon'ble Court whether it should continue the work of identification of private forests departmentally or set up a fresh Committee for the purpose.

3. On 17-10-2006, upon being informed by the Advocate General that the State Government was desirous of taking up this matter in the Apex Court, this Hon'ble Court adjourned the hearing of the petition to 21st November, 2006 and granted the petitioner ad interim relief in terms of prayer clause (d):

   "Pending final hearing of this petition for an order to Resp, 6 and 7 not to issue Conversion Sanads for any private properties with tree cover without approval of the Forest Department."

4. Subsequently, by its order dated 21st November 2006, this Hon'ble Court admitted the petition and granted interim relief in the same terms as ad-interim relief was earlier granted. While passing the said order, the Court also expressed its view that it expected the respondents to file their returns within eight weeks so that the petition can be finally disposed of. Liberty was also granted to the parties to move this Court as and when contingency arises in case fresh directions are required. The said order dated 21.11.2006 is hereto annexed to this application as ***Annexure A***.

5. Applicant states that to the best of its knowledge the State Government has neither filed a matter in the apex court, nor has it appointed a fresh committee or directed the Forest Department to complete the task of identifying the remainder of the forest land in the State as per the Apex Court's order dated 12-12-1996.

6. In the meanwhile, petitioners have learnt that parties desirous of developing forested areas not yet identified by the Expert Committees are setting fire to these properties with a view to reducing the tree cover or otherwise destroying the forest cover, in order to present the Forest Department with a *fait accompli* and thereby ensure that Conversion Sanad is not rejected on this ground.

7. Applicant is giving below two major cases in which this has occurred:

   a) At Pilerne on 30th December 2006 and again in the first week of February 2007 an entire forest area has been deliberately set on fire and thereby devastated so that the forest cover is greatly reduced and the developers in question can present their applications for construction of buildings to be approved. Citizens and NGOs have complained to the authorities including Collector and the Chief Conservator of

Forests protesting destruction of an excellent, fully wooded forest. The densely forested hill slopes face the Savlem lake. The forest also helps sustain the lake which itself is a sanctuary for a wide variety of bird species and small animals. It is popular with tourists and bird watchers. Hence in April 2006 the Zilla Parishad built a watch tower for bird watchers. The burning of the forest was carried out at night. Pictures of the site burning are annexed to this application as ***Annexure B colly***. Copies of letters addressed to the Collector North Goa and the Chief Conservator of Forests are annexed as ***Exhibit C colly***. Applicants believe that the forest department has drawn up a panchnama in this case.

b) Similarly, at Bainguinim village, on 27.1.2007, attempts were made to massacre trees with fire, so that development permissions could eventually be obtained. Pictures of the burnt site are hereto annexed to this application as ***Annexure D***.

8. Applicants have also learnt that in other areas people have attempted to destroy forested areas not yet identified as such by the two Expert Committees by bulldozing the land, felling the trees and causing destruction so that the forest cover is irretrievably destroyed. Applicant specifically mentions destruction of private forests during the past one year in the villages of Comproi, Durgini, Kirlapal Dabal, Suctoli, and Dharbandora in Sanguem taluka. In some cases, stop work orders have been issued, site inspections carried out by the forest department and cases have been booked. This Hon'ble Court may ask for the records. However, the fact of the matter is that the forest cover has been destroyed altogether and such areas may not be considered as forest as per the criteria in force, if and when a survey is conducted for the purpose in future. As it is, the Government of Goa has steadfastly refused to identify the

"degraded forest areas" of the State though the order dated 12.12.1996 specifically requires that such areas be identified.

9. Applicant states that there is therefore urgent need for the State to expeditiously complete the identification of the remainder forest areas so that these lands can be protected as per the Apex Court's orders and in accordance with the provisions of the Forest Conservation Act, 1980.

10. Applicants have themselves made extensive survey of areas that are forested but not yet identified as forest by the two aforesaid Expert Committees and have submitted these survey numbers to the forest department on several occasions in writing for consideration.

11. Under close monitoring and supervision of this Court, demarcation of private forest areas as per the Sawant and Karapurkar committees is underway and is in fact completed to the extent of more than 70% as per the reports submitted to this Hon'ble Court from time to time. (Applicant has been informed that the survey in respect of south Goa is in fact completed.) It is expected that the entire exercise will be completed by the end of this year.

12. Applicants submit that it would be most appropriate at this juncture If the State is directed by this Hon'ble Court to undertake through the Forest Department the exercise of identification of remaining forest areas in Goa in terms of the Apex Court's orders.

13. Applicants are fearful that if this is not done expeditiously the interim order of this Hon'ble Court alone will not be able to protect these forest areas and they will be destroyed for lack of identification and the orders of the Apex Court and the provisions of the FCA, 1980, will be violated on a massive scale.

14. Applicants are therefore approaching this Hon'ble Court in terms of this Court's order dated 21.11.2006 for directions to the Respondent No.2 to re-commence the process of identification of private forests in terms of the apex court's order dated 12.12.1996.

Prayers:

a) The Respondent No.2 be directed to initiate and complete within a period of one year the identification of the balance private forests in the state of Goa;

b) Compliance reports be filed of work done every three months to the satisfaction of this Hon'ble Court;

c) For any other reliefs that this Court may be pleased to grant;

d) For costs of this application.

Panaji 22-10-2007 Advocate for applicant

7

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
GOA BENCH, AT PANAJI

MCA No. 2007
in
Writ Petition No.334 of 2006

The Goa Foundation)...Applicant
in
The Goa Foundation)... Petitioner
v/s
State Of Goa and another)... Respondents

AFFIDAVIT IN SUPPORT OF THE APPLICATION

I, Dr Claude Alvares, Secretary, Petitioner organization abovenamed, r/o Parra, Goa, do hereby solemnly affirm and state as under:

1. I have filed a Miscellaneous Civil Application for additional directions in the above petition.

2. I say that what is stated in paras 1-8, 10, 11, of the application are facts that are true to the best of my knowledge and paras 9 , 12-14 are in the nature of legal submissions.

Solemnly affirmed at Panaji
this the 22 day of October, 2007

Deponent

ANNEXURE-A
8

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 334 OF 2006

GOA FOUNDATION THROUGH ITS SECRETARY DR. CLAUDE ALVARES, MAPUSA GOA. ....Petitioner

Versus

STATE OF GOA THROUGH ITS CHIEF SECRETARY AND 6 ORS., ...Respondents

Ms. Norma Alvares, Advocate for the Petitioner.
Mr. S. S. Kantak, AG with Ms. R. Chodankar, AGA for Respondent nos. 1, 2, 4, 5, 6 and 7.
Mr. E.P.Badri Narayanan, Central Government Counsel for Respondent no.3.

Coram:- J. N. PATEL &
N. A. BRITTO, JJ.

Date:- 21st November, 2006

P.C.

Heard.

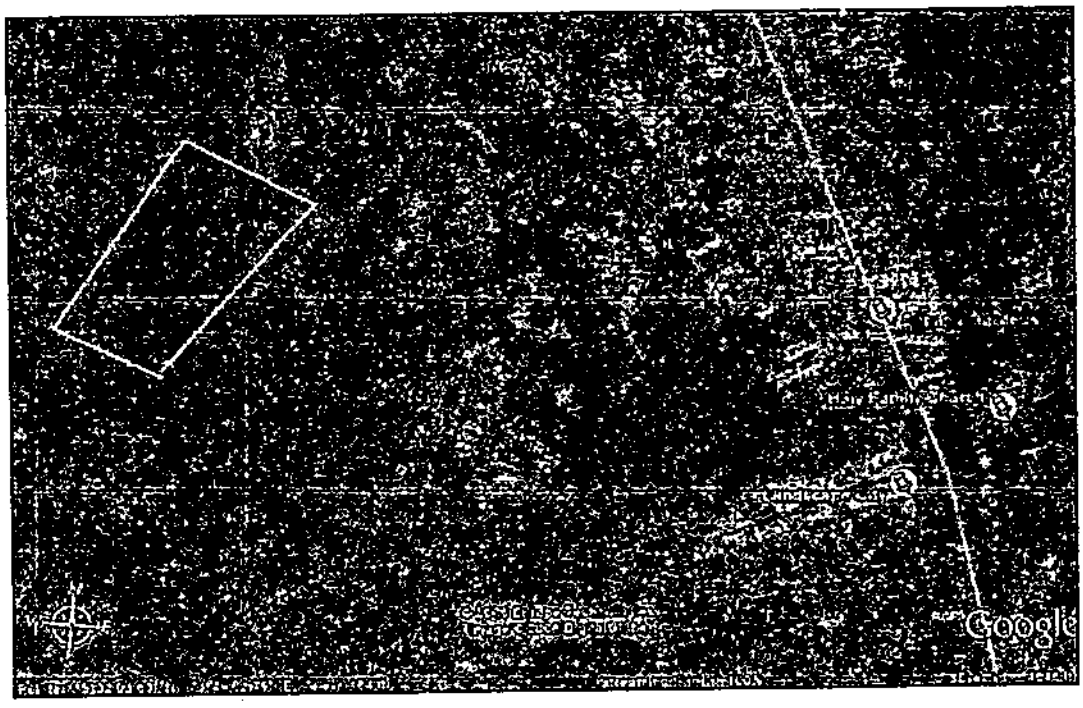
Rule. There will be interim Order in terms of prayer Clause (d). Learned AG waives service for respondent nos. 1, 2, 4, 5, 6 and 7. Mr. Bhadri Narayan Central Government Counsel waives service for respondent no.3.

Parties are at liberty to move this Court as and when contingency arises so that appropriate orders/directions be issued. We expect the respondents to file their return on affidavit within a period of eight weeks so that the petition can be disposed of.

J. N. PATEL, J.

N. A. BRITTO, J.

Private forest set on fire in February 2007.



Google satellite photograph of forest at Pilerne

Picture of original forest at Pilerne near Saulem lake

Below :- Same area after it has been destroyed by fire

ANNEXURE C 12

HERITAGE ACTION

Chairperson: Yatin Kakodkar Vice-Chairperson: Dean D'cruz Hon. Secretary: Heta Pandit
Jt. Hon. Treasurers: Rajiv D'silva, Cezar Pinto
Executive Committee Members: Prava Rai, Prajal Sakhardande, Rohit Phalgaonkar

Jantar GOA HERITAGE ACTION GROUP

Exempted under U/S 80-G of the Income Tax Act, 1961 No. 80G/CIT-P/2002-03/G-24
Dated 01-04-2005, valid up to 31-03-2008

Shri Nikhil Kumar, IAS
Collector North Goa
Collectorate
Panaji

Dear Shri Nikhil Kumar,

Subject: **Burning of hills in Pilerne**

We were deeply distressed to note that the hills around the Pilerne lake at Savlem were found to have been set on fire on 30th December 2006 by some unknown persons. The hills were forested and fully wooded and now are scorched and burnt.

We now see that the Lake in Savlem Pilerne, host to a number of migrant birds including spotbill ducks has been emptied recently. This lake in under the jurisdiction of the Irrigation Department and the Zilla Parishad has in fact built a watchtower for the number of tourists who visit the site for bird watching and recreation. After the emptying of the Lake, the birdlife has reduced considerably.

We understand that the hills around the Lake were once Comunidade lands (Survey Nos. 211/1 and 211/2) belonging to the Comunidade of Pilerne but have recently been (post 10th August 2006) transferred to some private parties and developers.

We only wish to bring to your kind and urgent notice that the lake and the freshwater natural spring there are fed by the sponge-like effect of the forest cover on the top of the hills surrounding the lake.

We also wish to bring to your kind and urgent attention that this kind of destruction goes against the Government of Goa's policy to encourage eco tourism as per its own Master Plan for Tourism 2011. We urge you to use your good offices to kindly investigate the matter at the earliest before the remaining trees, hills slopes and lake in Pilerne are destroyed irreversibly to the detriment of the ecology of the state and its tourism potential.

Thanking you,
Yours sincerely,

Heta Pandit

Heta Pandit
Hon Secretary

Regd. Off: 29/30, Green Valley, Alto Porvorim, Goa 403 521 Tel: +91 832 3252097/ +91 832 9822128022
Email: ghaggoa@rediffmail.com, heta.pandit@gmail.com Website: www.goaheritage.org

To,
Chief Conservator of Forests.
Panaji, Goa
Date: 12th February, 2007

Subject <u>Compliant about the burning of a densely forested hill in Pilerne (Plot bearing survey no. 37)</u>

Dear Sir,

A densely forested hill slope (plot bearing survey number 37) facing the Savlem lake in the village of Pilerne, Bardez was burnt a few weeks ago and has now been partially cleared of the fallen trees and dried up vegetation. The hill burning was carried out at night and the people in the houses at the foot of the hill witnessed the great distress this caused the fauna in the area.

Prior to the devastation caused by the burning, I have recorded the presence of various faunal species on the hill. These include birds like the Frog mouth *(Genus Batrachaostomus) which fall under SHEDULES I of protected species. Also inhabiting the hill slope were Peacocks, Nilgiri Pigeons (SCHEDULE II) Mongooses, civets, porcupines and sakes like Pythons, Cobras, Russels Vipers, etc. which fall under SCHEDULE III and SCHEDULE IV, of the WILD LIFE PROTECTION ACT (1972). As a result of the way the hill was burnt these animals may have either been killed, injured, or displaced from the area.

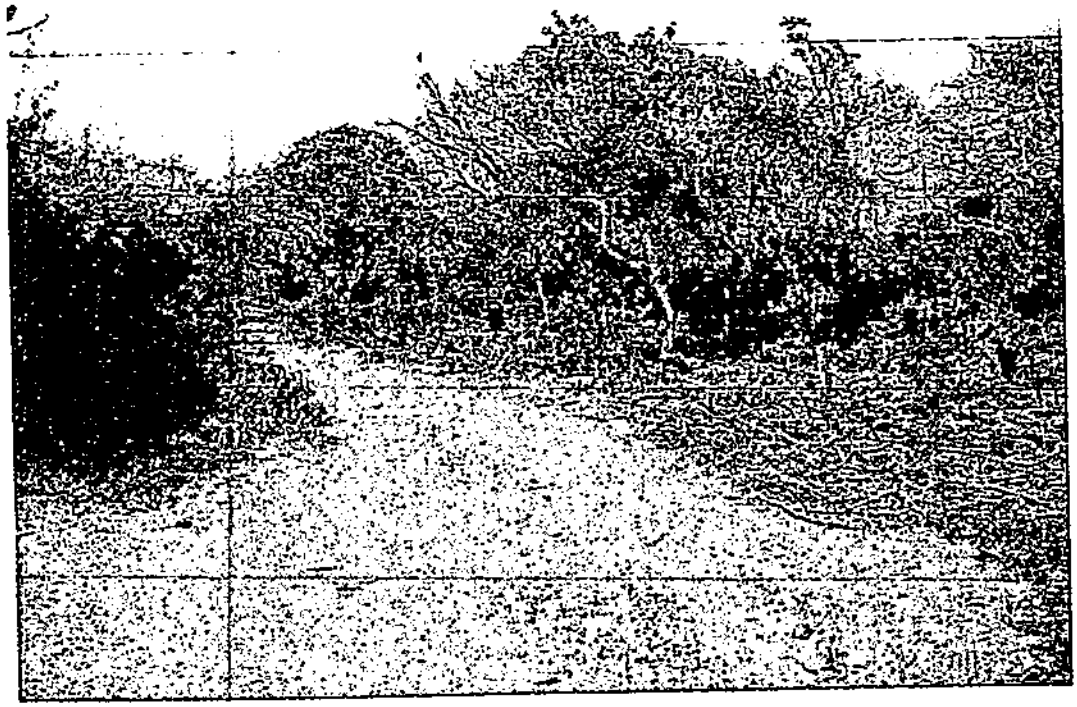
At the base of the burnt hill lies that Savlem lake which receives its water from the run-off from the surrounding hills. The lake itself is an important sanctuary for a wide variety of bird species and small animals. The lake is extremely popular with tourists and bird watchers. As a matter of fact the Zila Parishad in April, 2006 built an observation shed for the tourists and bird watchers who frequent the lake. Apart from being a bird sanctuary the lake serves as a reservoir of water for farmers in Pilerne, ensuring that they can cultivate multiple crops in a year. Please also find enclosed photographs of the burnt hill, a view of the Savlem lake and the observation shed built by the Zila Parishad. Also find enclosed a copy of the Pilerne Panchayat resolution mentioning the illegal burning of the hill.
Having noted the above I request that an immediate investigation be initiated regarding the burning of the above mentioned hill slope and that steps be taken to afforest the same. I also urge the forest department to begin the process of protecting the Savlem lake as a bird sanctuary. Considering the rapid pace of building/construction activity taking place in neighboring Porvorim and Pilerne, the protection of this area would not only serve to protect the wildlife in the area but would also go a long way in ensuring that a much needed green belt be secured for the people living in Pilerne and Porvorim.

12/2/07
Office of the
Chief Conservator of Forests
Chief Forest [illegible]
Government of Goa
Panaji - Goa

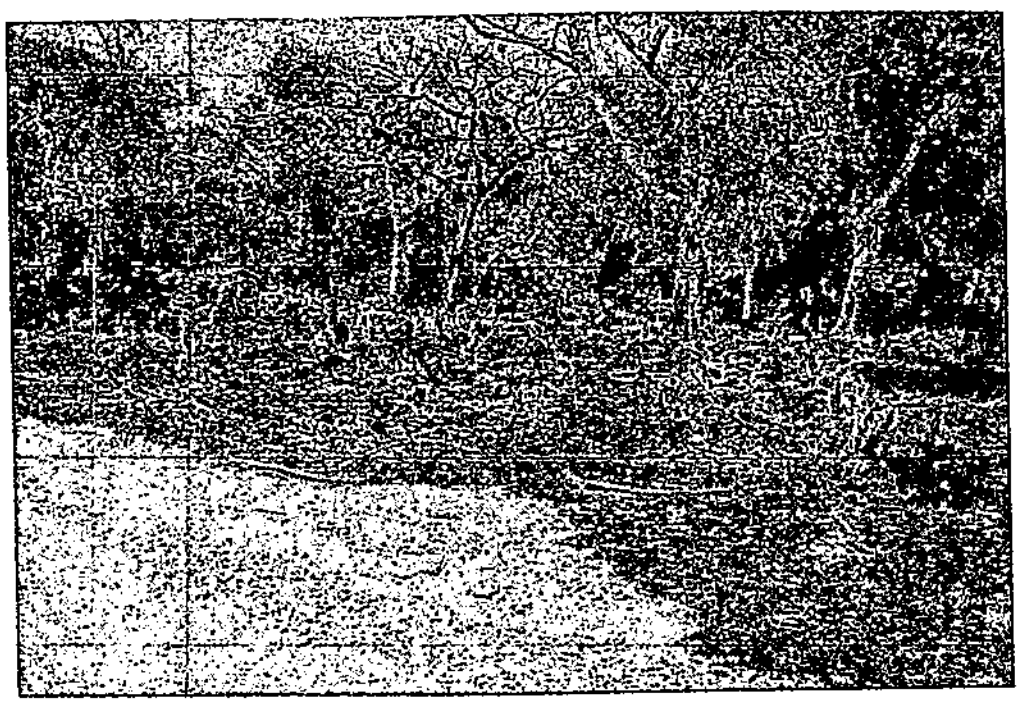
Thanking you,
Yours sincerely,

Solano Da Silva
E-11, Landscape City,
Alto Porvorim
Bardez Goa
email: solanodasilva@gmail.co
Ph # : 0832-2410538

ANNEXURE D



Pictures of private forest burnt and destroyed at Bambolim in January 2007



15

IN THE HIGH COURT OF BOMBAY AT PANAJI GOA

Misc. Civil Application No. 815/2007
In
Writ Petition No. 334/2006

Goa Foundation through its Secretary
Dr. Claude Alvares, Mapusa Goa. ... Petitioners

V/s

State of Goa Through its Chief Secretary
And 6 ors. .... Respondents

AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT NO. 2

I, Shri Omkar Singh, IFS, Chief Conservator of Forest, major of age, Indian National, having office at Panaji-Goa, do hereby on solemn affirmation state and submit as under:

1. Petitioner seeks direction to the State Government to complete the process of identification of private forests in the State within a time bound period in terms of Order of the Supreme Court dated 12/12/1996 in Writ Petition (Civil) No. 202 of 1995 (T.N Godavarman Thirumukpad V/s Union of India and Ors.) Petitioner also seeks a further direction to complete the process of identifying degraded forests in the State.

2. This reply is limited to answer the aforesaid prayer of the Petitioner. All the averments in the petition are hence not being dealt with, except in brief wherever found necessary.

3. In the case of Godavarman, by Order dated 12/12/1996, the Hon'ble Supreme Court directed each State Government to constitute an expert Committee to: -

"a) Identify areas which are "forests", irrespective of whether they are so notified, recognized or classified under any law, and irrespective or the ownership of the land of such forest;

b) Identify areas which were earlier forests but stand degraded, denuded or cleared; and

c) Identify areas covered by plantation trees belonging to the Government and those belonging to private persons."

4. By order dated 24/1/1997, the State Government constituted an expert committee under the Chairmanship of S. M Sawant for identification of forests in the State. So far as Government forest lands, the same were considered to include all forests recorded by State Forest Department as Government forest lands as also the disputed forest lands i. e. Government forest which may or may not have been included in the working plan records of the Forest Department but which are in ownership disputes in various Courts.

This petition does not relate to Government forests but seeks identification of private forests.

5. For identification of private forest, the Sawant Committee considered the following criteria;

a) 75% of the crop composition of such lands should be of forest species and

b) The area should be either contiguous to Government forest lands or if in isolation the minimum area so identified should be 5 hactares. In case of mangroves areas less than 5 ha. also shall be considered as forests whether or not in contiguity to Government forest lands or not.

6. The Sawant Committee identified 48.67 sq. kms. of land as forest. The details of such lands were submitted in the report.

7. Since the Sawant Committee executed part of the work of identification of forests, the Government by order dated 4/9/2000, constituted another expert committee under the Chairmanship of Dr Hemant Karapurkar, hereinafter referred to as the Karapurkar Committee, to demarcate and delimit and/or otherwise suggest measures by proper land survey all those private properties having natural forests standing thereon. The criteria for identification of forest lands were given as follows;

a) 75% of the composition should be forested species.

b) The area should be contiguous to Government forest and if in isolation should be more than 5 ha.

c) Canopy density should not be less than 0.4.

8. The Karapurkar Committee supplemented the work of the Sawant Committee. The Committee submited its report on 16/2/2002. The Karapurkar Committee identified 20.18 sq. kms. of land as forest land, details of which have been given in its report.

9. In M.C.A No. 350/2003 in Writ Petition No. 286/2003 this Hon'ble Court by Order dated 02/07/2003 directed the State Government to demarcate the non-forest areas from the forest areas based on the Sawant Committee and Karapurkar Committee reports and submit the same to this Court within 6 months from the date of order. Subsequently the time was extended by a further period of 2 years by Order dated 25/2/2004 passed in M.C.A. No. 12/2004. By another Order dated 03/07/2006 this Hon'ble Court has been pleased to further extend the time by a period of 18 months. By the said Order, the Government was directed to place before the Hon'ble Court the progress report after every 3 months. The Government has been accordingly filing the progress reports as directed. The last of such progress report has been filed on 07/01/2008. The progress report also indicates that till date about 85.35% of work of demarcating of forest lands has been completed.

10. By order dated 23/1/2008 passed in M.C.A No. 94/2008, this Hon'ble Court has been pleased to extend the time further till June 2008.

11. I say that presently the work of demarcating the lands already identified by Kamapurkar and Sawant Committee's and separating the forest areas from the non-forest areas is presently in progress for which time has been extended by this Hon'ble Court up to June 2008.

12. I say that once this exercise is completed, the work of identification of remaining private forest areas would be undertaken. I say that various Departments are involved in carrying out this work and it is expected that a minimum period of 2 years will be required for completing the task. I further say that such work can be undertaken only after the rainy season of 2008 and can commence some time in October/November 2008.

13. As regards the incidents cited by the Petitioner in M.C.A NO. 815 of 30/12/2006 in Pilerne Village and 27/1/2007 in Bainguinim Village, the Forest Department has already taken action and booked the offences.

14. I therefore submit that since rule is already issued in the petition, the petition could be placed for further Orders/ Directions in the month of July 2008 as by that time, the

progress /completion of the work presently in progress would be known.

I say what is stated by me in paras 1-13 of the above Reply are as per the records available in the Office and what is stated in the remaining paragraphs are in the nature of legal submission.

Solemnly affirmed at Panaji, Goa
On this 25th day of February 2008

(DEPONENT)

Identified by me: -

(Rakhi M Chodankar)

Solemnly affirmed before me by Mr. Omkar Singh who is identified by Adv. Ms. Rakhi Chodankar personally known.
Dated this 26th day of February 08.

Section Officer
High Court
Panaji Goa

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 435 OF 2012
IN
WRIT PETITION NO. 334 OF 2006

GOA FOUNDATION THROUGH ITS SECRETARY DR. CLAUDE ALVARES, MAPUSA GOA. ... Applicant

Versus

STATE OF GOA THROUGH ITS CHIEF SECRETARY AND 7 ORS., ... Respondents

Ms. Norma Alvares, Advocate for the applicant.
Mr. A. N. S. Nadkarni, Advocate General with Ms. Sapna Mordekar, Addl. Govt. Advocate for respondents No.1, 2, 4, 5, 6 and 7.

Coram:- A. P. LAVANDE &
U. V. BAKRE, JJ.

Date:- 11th December, 2012

P.C.:-

Heard Ms. Alvares, learned Counsel appearing for the applicant and Mr. A.N.S. Nadkarni, learned Advocate General appearing for respondents No.1, 2, 4, 5, 6 and 7.

2. Although by this application, the applicant has sought three reliefs, substantially, the main relief stands granted in view of the Notification dated 27th November, 2012 issued by the State Government constituting two committees - one for North Goa and another for South Goa for the purpose of identification of balance areas of private forests in the State of Goa. A copy of the said notification is placed on record.

3. We expect both the committees to take appropriate steps in terms of the said notification and the State Government to take

appropriate decision on the basis of the reports submitted by the two committees, expeditiously.

4. With the above observations, the application stands disposed of.

A. P. LAVANDE, J.

U. V. BAKRE, J.

ssm.

Disposed on 11/12/2012/JORMA

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

GOA BENCH, AT PANAJI

M.C.A. No 435/ 2012

In

W.P. No. 334 of 2006

Goa Foundation .... Applicant/Petitioner

v/s

State of Goa & 6 ors .... Respondents

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Panaji dated Advocate for Applicant

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

GOA BENCH, AT PANAJI

M.C.A. No / 2012

In

W.P. No. 334 of 2006

Goa Foundation, a society registered under)
the Societies Registration Act, 1960,)
through its Secretary, Dr. Claude Alvares,)
and having its registered office)
at Room 7, Above Mapusa Clinic,)
Mapusa, Goa) ..... Applicant / Petitioner

v/s

1. State of Goa through)
Its Chief Secretary)
Government of Goa)
Secretariat, Porvorim, Goa.)

2. The Chief Conservator of Forests,)
Forest Deparment,)
Gomantak Maratha Mandir,)
Panaji, Goa.)

3. The Secretary,)
Ministry of Environment and Forests,)
Paryavaran Bhavan ,)
C.G.O. Complex, Lodi Road,)
New-Delhi 110 003)

4. The Tree Officer,)
Office of the DCF, North Goa, Ponda)

5. The Tree Officer,)
Office of the DCF, South Goa, Margao)

6. The Collector, North Goa)
North Goa Collectorate, Panaji, Goa.)

7. The Collector, South Goa)
South Goa Collectorate, Margao, Goa.)

8. The Director of Mines
Udyog Bhavan, Panaji, Goa) ..... Respondents

APPLICATION FOR DIRECTIONS

MAY IT PLEASE YOUR LORDSHIPS

1. Applicant is the petitioner in W.P. 334/2006 which is filed to seek directions to the State of Goa (Resp No. 1) and Chief Conservator of Forests, (Resp No. 2) to complete the process of identification and demarcation of private forests in Goa as per order of the Supreme Court dated 12.12.96 in *Godavarman Thirumulkpad v/s Union of India and others* (W.P. 202/1996).

2. In its order dated 9-12-2009 the Court has recorded as follows:

   "Learned Advocate General Mr. S.S. Kantak submits that the Government is considering formation of two Committees, for both the Districts, for the purpose of identifying balance areas of private forests. He seeks time to make a categorical statement in this regard."

3. Subsequently the Government of Goa issued Notification dated 3.2.2010 constituting two committees for the purpose of identification of balance areas of private forests in the state called South and North Goa District Committees on Private Forests respectively. The term of the committees was two years from the date of the notification. Copy of notification dated 3.2.2010 is annexed hereto as ***Exhibit 1***.

4. The terms of the two committees have expired in February 2012. Petitioner has recently come to know that by letter dated 24.1.2012 the Chairman of the South Goa District Committee on Private Forests has written to the Secretary, Forests *inter alia* stating that only 21 survey numbers have been identified by the South Goa District Committee in the past two years and that the process of survey and demarcation work has been adversely affected on account of non-availability of surveyors from the Directorate of Settlement and Land Records. The letter states that although it was initially intimated that 5 surveyors would be provided, actually only two surveyors were spared for the work. Apparently the services of these surveyors were also not provided on time i.e., during the working season. Hence the exercise of identification and demarcation of private forests in the South Goa District has been delayed for want of adequate numbers of surveyors. The letter concludes by suggesting measures to tackle the work of identification of private forest and requesting that a new committee be constituted for completing the work assigned to the committee. Copy of the letter dated 24-1-2012 is annexed hereto as ***Exhibit 2.***

5. Applicant submits that this is a very sorry state of affairs as the purpose of appointing the two committees was to expeditiously complete the identification of private forest lands in the State of Goa so that these are protected and not diverted to non forest use without authorization from the Central Government. Two full years have gone by and only 21 survey numbers are identified in South

Goa. The position in North Goa cannot be much different as the same difficulties that the South Goa Committee faced would also have been experienced by the North Goa Committee.

6. To the best of the applicant's knowledge, no orders have been issued until now for extension of time to the North and South Goa District Committees by the Government of Goa, nor have any new Committees been constituted by Government for the purpose.

7. Applicant submits that it is necessary that fresh orders be issued by the Government of Goa to reconstitute the two committees and provide them with adequate surveyors so that the work of identification of private forests is completed at the earliest.

8. Applicant also submits that it is necessary that the survey numbers that have been identified as forest by the two committees till date are conveyed to the District Collectors and to the respective municipalities/village panchayats as per this Hon'ble Court's order dated 3-7-2006 in W.P. No. 286/2003. Copy of the said order is annexed hereto as ***Exhibit 3.*** Applicant also desires to receive copies of the reports of survey numbers identified as forest by the North and South Goa District Committees on Private Forests.

Prayers:

9. Applicant therefore prays for the following directions:

1) For an order directing the State of Goa to reconstitute the North and South Goa District Committees on Private Forests. — Notif. dt 15/10/2012

2) For an order directing the Forest Department to convey the list of identified survey nos. to the respective office of the Collector (North and South) as also the respective municipal councils and village panchayats. so that no Conversion Sanad is granted as it will violate FCA

3) For an order directing the Forest Department to hand over a copy of the reports of the South and North Goa District Committees on Private Forests to the applicant/petitioner. ~~filed~~

- requesting the Sy Nos identified as forest by previous two Committees
- affidavit of CF filed – pg. 12.
  discloses the sy nos. identified by the two previous Committees

Panaji ___ April 2012 Advocate for applicant

- CF has very fairly asked the 2 previous Com
  Sy Nos of areas visited
  Sy Nos of area identified
  Sy Nos of area demarcated on ground.

Notification also supports Prayer (2)

Terms

See (1)

3 July 2006 – pg 9

Notification ← happy with name
happy that remunerative part
surveyors – sufficient no.

- No time period for Committee to complete exercise
- No. of surveyors not stated
  Previous Committee had this problem
- Sy Nos. to be conveyed to Collector no diversion

Lastly – I have challenged criteria

Exhibit 1

6

No:-2/1/2010/FOR
Government of Goa,
Forests Department,
Secretariat,
Porvorim – Goa.

Dated:- 03/02/2010.

NOTIFICATION

In pursuance of the directive contained in the order dated 16 December, 2009, of Hon'ble High Court of Bombay at Goa, the Government of Goa is pleased to constitute following Committees for the purpose of identification of balance areas of private forests in the State_

NORTH GOA DISTRICT

1. Shri. K.G. Sharma (Ex – Director Agriculture) ..... Chairman.
   At Farmaguddi, Ponda Goa.
2. Prof. Janardhanam
   Department of Botany, Goa University, ...Member.
   Bambolim
3. Shri. V.T. Thomas (Ex. DCF)
   Porvorim Bardez Goa. .....Member.
4. Dy. Conservator of Forests,
   North Goa Division, Ponda .....Member.
5. Sub Divisional Forest Officer, Ponda .....Member Secretary.

SOUTH GOA DISTRICT

1. Shri. P.V. Sawant
   Ex-Chief Conservator of Forests
   Corlim – Tiswadi Goa. ..... Chairman.
2. Prof. K.G. Hiremath
   Department of Botany
   Dempe College, Miramar, Panaji ..... Member
3. Shri. M.A. Dessai, (Ex-DCF)
   Margao Goa. ..... Member
4. Dy. Conservator of Forests
   South Goa Division, Margao. ..... Member
5. Sub Divisional Forest Officer, Quepem ..... Member Secretary.

The terms of reference to the above constituted Committees as per the said Order of the Hon'ble High Court of Bambay at Goa, are –

1 To identify the balance areas of private forests in North Goa District & South Goa District respectively in the State that have not been covered by the Sawant Committee Report and the Karapurkar Committee Report.

2. To individually locate the identified private forests on ground, survey them, verify and confirm their forest nature and extent (area in Ha.), plot them on map and incorporate them in the plan of the respective Survey No/s.

3. Demarcate the private forests from the non – forest on the map.

4. Submit their detailed reports along with the plans/maps of the identified private forests, within the period of two years from this date, further submission to Hon'ble High Court.

The Director of Settlement and Land Records, Panaji shall place at the disposal of each Committee a team of 5 (five) Surveyors to enable the Committees to do the work of locating, surveying, verifying, confirming, plotting and preparing the final maps of the identified forests as mentioned above.

This issues with the approval of the Government.

By order and in the name of the
Govenor of Goa.

(Maria J.R Pires)
Under Secretary (Forests)

Copy to;-

1. The Director, Printing and Stationary, Panaji, with request to publish the same in the next issue of Gazette.

2. The Director of Information, Panaji with a request to give wide publicity in the News Papers.

3. The Principle Chief Conservator of Forests, Panaji.

Copy for information to:-

1. The Collector, North Goa District, Panaji – Goa.
2. The Collector, South Goa District, Margao – Goa.
3. The Director of Settlement and Land Records, Panaji – Goa.
4. The Director of Accounts, Panaji – Goa.
5. The R.A.O., Panaji – Goa.
6. The Person Concerned.
7. The P.S. to Chief Minister, Secretariat, Porvorim – Goa.
8. The P.S. to Forest Minister, Secretariat, Porvorim – Goa.
9. The P.A. to Chief Secretary, Secretariat, Porvorim – Goa.
10. The P.A. to Secretary (Forests), Secretariat, Porvorim – Goa.
11. O/c.
12. Guard file.

Exhibit 2 8

4196
02/02/12

GOVERNMENT OF GOA
OFFICE OF THE DEPUTY CONSERVATOR OF FORESTS
SOUTH GOA DIVISION
AQUEM-MARGAO-GOA
Phone No.0832-2750246

No. 5/PVT-FOR/DCFS/GEN/11-12/2172 Dated:-24/01/2012

To,
The Secretary Forests,
Secretariat,
Government of Goa,
Porvorim – Goa.

12467
7/2
01/2/2012

Sub: Identification of Private Forests.

Sir,

In continuation to my letter No.5/PVT-For/DCFS/GEN/11-12/497 dated 01/06/2011 (Copy enclosed for favour of ready reference) it is to State that the South Goa District Committee has identified 21 survey numbers till now. The progress of survey and demarcation work has been adversely affected on account of non-availability of adequate number of Surveyors from the Director of Settlement and Land Records besides providing their services on time during the working season. Although initially it was intimated that 5(five) Surveyors will be provided, actually only two surveyors were spared for the work. Till now only two survey Numbers i.e. 75/1 in Kurdi Village and 38/1 in Sulcorna Village were surveyed by them. Moreover 18 Survey Nos identified by the previous committee are yet to be surveyed and demarcated. It is reiterated that the entire exercise of identification of Survey and demarcation of Private Forests in the South Goa District has been delayed for want of adequate number of Surveyors. In this connection the progress of work of South Goa District Committee was apprised to the Addl. Principal Chief Conservator of Forests vide No. 5/PVT-FOR/DCFS/TECH/11-12/1895 dated 14/12/2011 (Copy of which is enclosed for favour of information)

In order to effectively tackle the work of identification, Survey and demarcation of private forests following measures need to be considered in future.

1. Providing adequate number of Surveyors with one vehicle for field work.

2. Feed back from the field staff for identifying new private forest areas from their respective jurisdiction.

3. Proper monitoring mechanism to protect already identified private forests for preventing change of Forest land use, lest standing tree vegetation may gradually disappear in due course.

4. Payment of adequate honorarium to the members of the District Level Committee.

The present committee's tenure expires on 03-02-2012. In view of this a new committee may be constituted for identifying fresh private forest areas, Survey and demarcation besides survey and demarcation of already identified private forest areas by the previous committee.

Yours faithfully,

(P.V. Savant) 24/01/2012
Chairman
South Goa District Committee
on Private Forests

Copy to:- 1. The Additional Principal Chief Conservator of Forests, for favour of information.

Exhibit 39

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 137 OF 2006

IN

WRIT PETITION NO. 286 OF 2003

THE GOA FOUNDATION ....Applicant

Versus

STATE OF GOA AND 10 ORS., ...Respondents

Mrs. Norma Alvares,Advocate for the Applicant.

Mr. S. S. Kantak, Advocate General with Ms. Rakhi Chodankar, Addl. Govt. Advocate for the Respondents nos.1 to 5 and 7.

Mr. A. N. S. Nadkarni with H. D. Naik, Advocate for Respondent no.6.

Mr. M. S. Sonak, Advocate for the Respondent nos. 9 and 11.

Mr. Valmiki Menezes, Advocate for Respondent no.10.

Ms. G. Pednekar, Advocate fpr Respondent no.12.

Coram:- SMT. RANJANA DESAI &
N. A. BRITTO, JJ.

Date:- 3rd July, 2006

P.C.

Heard learned Counsel Mrs. Norma Alvares on behalf of the applicant, Mr. Kantak, Advocate General on behalf of respondent nos. 1 to 5 and 7, Mr. M. S. Sonak, on behalf of respondent nos. 9 and 11 and Mr. V. Menezes, on behalf of respondent no.10.

2. As directed by our Order dated 12.06.2006, respondent no.2 has submitted the Progress Report. As an interim measure, we give following directions:

(a) Forest Department to submit 3-monthly Progress Reports to this Court on the areas that have been demarcated.

(b) Forest Department shall issue notices to all Panchayats, Comunidades and Municipalities informing them the specific survey numbers within their jurisdictions which are indentified by the Sawant/Karapurkar Committee as having forest and directing them to display the notices in their office premises.

(c) In case any person objects to the identification, Forest Department shall send letter to that party with copy to the Deputy Collector and/or Collector that no development on the entire survey number can be allowed till the non-forest area on the said survey number has been identified.

3. So far as respondent nos.9, 10 and 11 are concerned, the learned Advocate General states that in case they approach respondent no.2, respondent no.2 shall furnish to them the required details regarding survey numbers referred to in the present petition within a period of one month, upon such request being made. The learned Advocate General also requests that time to comply with the directions issued by this Court by Order dated 02.07.2003, be extended by two years.

4. In the circumstances of the case, time is extended by 18 months. In view of the above, the present application is disposed of.

SMT. RANJANA DESAI, J.

N. A. BRITTO, J.

arp/*

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

GOA BENCH, AT PANAJI

M.C.A. No / 2012

In

W.P. No. 334 of 2006

Goa Foundation .... Applicant/Petitioner

v/s

State of Goa & 6 ors .... Respondents

AFFIDAVIT OF PETITIONER

I, Dr Claude Alvares, Indian national, age 64 years, authorised representative of the Petitioner abovenamed, solemnly state on oath as under:

I do hereby solemnly declare and say that what has been stated in paragraphs 1-4 is true to the best of my knowledge and what is stated in the remaining paragraphs, namely, 5-9 is in the nature of legal submissions and/or inferences of facts, which I believe to be true.

Solemnly affirmed at Panaji

this the ___ day of April 2012 Deponent

IN THE HIGH COURT OF BOMBAY AT GOA

Writ Petition No. 334/2006

Goa Foundation ...Petitioner

v/s.

State of Goa & Ors. ...Respondents

AFFIDAVIT

I, G. Kumar, Conservator of Forests (Conservation), major of age, Indian National, having my office at Panaji-Goa, do hereby on solemn affirmation state and submit as under:-

1. I say that the Petitioner has filed aforementioned application seeking the following reliefs amongst others:

   a) For an order directing the Government of Goa to complete the process of identification of private forests in the State within a time bound period in terms of the Apex Court's Order dated 12.12.1996 and report compliance;

   b) For an order directing the Government of Goa to complete the process of identifying degraded forests within the State i.e. areas which were earlier forests but stand degraded, denuded or cleared, in terms of the Apex Court's Order dated 12.12.1996 and report compliance.

2. I say that pursuant to the order of this Hon'ble Court dated 16.12.2009 the Government had constituted two committees, one Committee for North Goa district and the other for South Goa district, for the purpose of identification of balance areas of private forest in the State, which were not covered by the Sawant Committee and the Karapurkar Committee. I say that each of the said Committees consists of five members. The

constitution of the said committees has been notified in the official gazette dated 03/02/2010.

3. I say that the two (North Goa and South Goa) Committees were given the mandate to submit their detailed reports along with the plans/maps of the identified Private Forests within the period of two years from the date of the notification.

4. I say that On 24/01/2012, the Chairman of South Goa Committee had sent a letter to the Secretary (Forest), stating that the committee's progress of the work was adversely affected on account of non-availability of adequate number of surveyors from the Directorate of Settlement & Land Records (DSLR) besides providing their services on time during the working seasons and vide the said letters had also suggested certain measures for effectively continuing the committee's work.

   Hereto annexed and marked at Exhibit A is the copy of the said letter.

5. I say that vide notification dated 03.02.2010, the Committees were assigned the task of :

   i. *Identifying the balance areas of private forests in North Goa District and South Goa District respectively in the State that have not been covered by the Sawant Committee Report and the Karapurkar Committee report.*

   ii. *Individually locating the identified private forests on ground, surveying them, verifying and confirming their forestry nature and extent (Area in Ha.), plotting them on the map and incorporating them in the plan of the respective survey numbers.*

   iii. *Demarcating the private forests from the non-forest on the map.*

   iv. *Submitting their detailed reports alongwith the plans/maps of the identified private forests, within a period of two years from the date of the notification dated 03.02.2012.*

6. The contents of para 4 and 5 of the application are denied. It is denied that 21 survey numbers have been identified, surveyed and demarcated by the South Goa Committee. I say that vide letter dated 04.09.2012, a clarification was sought from the North Goa and the South Goa Committees constituted for the identification of balance areas of private forest in the State. I say that vide letter dated 05.09.2012 and 06.09.2012, the Committees have informed the Forest Department regarding the details of the work carried out by them.

   Hereto annexed and marked at Exhibit B Colly are the copies of the said letters.

7. I say that as per the letter dated 05.09.2012 submitted by the South Goa Committee; they have identified 22 survey numbers. However it appears that these survey numbers have not been demarcated on site and therefore no maps were prepared/submitted showing the demarcated area. The letter further states that 6 survey numbers have been surveyed and demarcated on site. However, till date no maps showing the demarcation of the forest area in the said survey numbers have been submitted. I say that the letter dated 05.09.2012 is the only document that has been submitted to the Government containing the details of the work performed by the South Goa Committee. . I further say that the letter dated 05.09.2012 of the South Goa Committee is not a detailed report as was required to be submitted as per the task assigned to them under the notification dated 03.02.2012 and therefore the same cannot be accepted by the Government.

8. I say that the letter dated 06.09.2012 of the North Goa Committee clearly mentions that although the Committee has visited the survey numbers that satisfy the criteria for identification of forest, they have not surveyed and demarcated any survey numbers on site.

9. I say that the Government is in the process of reconstituting the North Goa and South Goa Committee for identifying the balance private forests in the State. I say that the Committees will be provided with the following facilities in order to enable them to

effectively carry out the work of identifying the balance private forests in the State:

a. The Revenue Department /DSLR will provide adequate number of Land Surveyors to each Committee;

b. Vehicles will be provided to each committee for field work;

c. The field staff will be directed to suggest to the committee, any new private forest areas from their respective jurisdiction;

d. Adequate honorarium for meetings and for field visits will be paid to the members of the Committees.

10. I say that in order to streamline the work of identification of the balance private forests, it has been decided that the work would be divided between two departments i.e. the work of identifying private forests would be done by the forest officers/expert committee and the work of surveying them and incorporating them in the State's Revenue Records would be done by the Revenue Department/DSLR, so that the work can be completed smoothly in all respects.

11. I say that what is stated above is based on records of my office to which I have access.

Solemnly affirmed at Panaji
On this 24th day of September, 2012

DEPONENT

Identified by: -

Sapna Mordekar
(Addl. Government Advocate)

Annx- A

GOVERNMENT OF GOA
OFFICE OF THE DEPUTY CONSERVATOR OF FORESTS
SOUTH GOA DIVISION
AQUEM-MARGAO-GOA
Phone No.0832-2750246

4196
02/02/12

No. 5/PVT-FOR/DCFS/GEN/11-12/ 2172 Dated:- 27/01/2012

To,
The Secretary Forests,
Secretariat,
Government of Goa,
Porvorim – Goa.

12467
7/2
01/2/2012

Sub: Identification of Private Forests.

Sir,

In continuation to my letter No.5/PVT-For/DCFS/GEN/11-12/497 dated 01/06/2011 (Copy enclosed for favour of ready reference) it is to State that the South Goa District Committee has identified 21 survey numbers till now. The progress of survey and demarcation work has been adversely affected on account of non-availability of adequate number of Surveyors from the Director of Settlement and Land Records besides providing their services on time during the working season. Although initially it was intimated that 5(five) Surveyors will be provided, actually only two surveyors were spared for the work. Till now only two survey Numbers i.e. 75/1 in Kurdi Village and 38/1 in Sulcorna Village were surveyed by them. Moreover 18 Survey Nos identified by the previous committee are yet to be surveyed and demarcated. It is reiterated that the entire exercise of identification of Survey and demarcation of Private Forests in the South Goa District has been delayed for want of adequate number of Surveyors. In this connection the progress of work of South Goa District Committee was apprised to the Addl. Principal Chief Conservator of Forests vide No. 5/PVT-FOR/DCFS/TECH/11-12/1895 dated 14/12/2011 (Copy of which is enclosed for favour of information)

In order to effectively tackle the work of identification, Survey and demarcation of private forests following measures need to be considered in future.

1. Providing adequate number of Surveyors with one vehicle for field work.
2. Feed back from the field staff for identifying new private forest areas from their respective jurisdiction.
3. Proper monitoring mechanism to protect already identified private forests for preventing change of Forest land use, lest standing tree vegetation may gradually disappear in due course.
4. Payment of adequate honorarium to the members of the District Level Committee.

The present committee's tenure expires on 03-02-2012. In view of this a new committee may be constituted for identifying fresh private forest areas, Survey and demarcation besides survey and demarcation of already identified private forest areas by the previous committee.

Yours falthfully,

(P.V. Savant) 24/01/2012
Chairman
South Goa District Committee
on Private Forests

Copy to:- 1. The Additional Principal Chief Conservator of Forests, for favour of information.

No:-2/1/2010/FOR
Government of Goa,
Forests Department,
Secretariat,
Porvorim – Goa.

17

Dated:- 03/02/2010.

NOTIFICATION

In pursuance of the directive contained in the order dated 16 December, 2009, of Hon'ble High Court of Bombay at Goa, the Government of Goa is pleased to constitute following Committees for the purpose of identification of balance areas of private forests in the State_

NORTH GOA DISTRICT

1 Shri. K.G. Sharma (Ex – Director Agriculture) ..... Chairman.
At Farmaguddi, Ponda Goa.

2. Prof. Janardhanam
Department of Botany, Goa University, ...Member.
Bambolim

3. Shri. V.T. Thomas (Ex. DCF)
Porvorim Bardez Goa. .....Member.

4. Dy. Conservator of Forests,
North Goa Division, Ponda .....Member.

5. Sub Divisional Forest Officer, Ponda .....Member Secretary.

SOUTH GOA DISTRICT

1. Shri. P.V. Sawant
Ex-Chief Conservator of Forests
Corlim – Tiswadi Goa. ..... Chairman.

2. Prof. K.G. Hiremath
Department of Botany
Dempe College, Miramar, Panaji ..... Member

3. Shri. M.A. Dessai, (Ex-DCF)
Margao Goa. ..... Member

4. Dy. Conservator of Forests
South Goa Division, Margao. ..... Member

5. Sub Divisional Forest Officer, Quepem ..... Member Secretary.

The terms of reference to the above constituted Committees as per the said Order of the Hon'ble High Court of Bombay at Goa, are –

1 To identify the balance areas of private forests in North Goa District & South Goa District respectively in the State that have not been covered by the Sawant Committee Report and the Karapurkar Committee Report.

2. To individually locate the identified private forests on ground, survey them, verify and confirm their forest nature and extent (area in Ha.), plot them on map and incorporate them in the plan of the respective Survey No/s.

18

3. Demarcate the private forests from the non – forest on the map.

4 Submit their detailed reports along with the plans/maps of the identified private forests, within the period of two years from this date, further submission to Hon'ble High Court.

The Director of Settlement and Land Records, Panaji shall place at the disposal of each Committee a team of 5 (five) Surveyors to enable the Committees to do the work of locating, surveying, verifying, confirming, plotting and preparing the final maps of the identified forests as mentioned above.

This issues with the approval of the Government.

By order and in the name of the
Govenor of Goa.

(Maria J.R Pires)
Under Secretary (Forests)

Copy to:-

1. The Director, Printing and Stationary, Panaji, with request to publish the same in the next issue of Gazette.

2. The Director of Information, Panaji with a request to give wide publicity in the News Papers.

3. The Principle Chief Conservator of Forests, Panaji.

Copy for information to:-

1. The Collector, North Goa District, Panaji – Goa.
2. The Collector, South Goa District, Margao – Goa.
3. The Director of Settlement and Land Records, Panaji – Goa.
4. The Director of Accounts, Panaji – Goa.
5. The R.A.O., Panaji – Goa.
6 The Person Concerned.
7. The P.S. to Chief Minister, Secretariat, Porvorim – Goa.
8. The P.S. to Forest Minister, Secretariat, Porvorim – Goa.
9. The P.A. to Chief Secretary, Secretariat, Porvorim – Goa.
10. The P.A. to Secretary (Forests), Secretariat, Porvorim – Goa.
11. O/c.
12. Guard file.

Annx-B

19

URGENT
HIGH COURT MATTER.

No. 10/605/FD/12-13/75/3077
Office of the,
Addl. Pr. Chief Conservator of Forests,
Dayanand Smruti Building, S.V.Road,
Panaji – Goa.

Date: - 04/09/2012.

To,

1) The Asst. Conservator of Forests &
The Member Secretary
of the North Goa Forests Division Committee
for identification of Private Forests.
Ponda – Goa.

2) The Asst. Conservator of Forests &
The Member Secretary
of the South Goa Forests Division Committee
for identification of Private Forests.
Margao – Goa.

Sub: -Regarding details of work done by the Committees from the date of their constitution (i.e. from 03/02/2010) till date .....

Ref:- As required by the Hon. High Court at Bombay at Goa in W.P. No. 334/2006. .....

Sir,

This is to inform you that the Writ Petition No. 334 of 2006 was heard today by the Hon. High Court of Bombay at Goa. During the hearing, at the instance of the petitioner i.e. the Goa Foundation, the Hon. High Court has sought clarification on the progress/work done by the two Committees for identification of private forests, which were constituted on 03/02/2010, as regards the work carried out by them pursuant to their constitution.

You are therefore requested to immediately submit to this office the report on the work carried out by your Committee clearly specifying the following –

1) The Sy. Nos., if any, visited by the Committee;
2) The Sy. Nos., if any, that have been found to be likely to satisfy the criteria of private forests; and
3) The Sy. Nos., if any, that have been identified as private forests on confirmation after their survey and demarcation.

The report may kindly be submitted positively by Friday, the 7th September, 2012.

Yours Faithfully,

(M.V.Karkhanis)
Asst. Conservator of Forests,
Legal Cell.

No.5/PVT.For/DCFS/GEN/12-13/ 1155

Office of the
Dy. Conservator of Forests,
South Goa Division,
Margao Goa.

Dated: 05/09/2012

Office of the
Dy. Chief Conservator
Panaji Goa.
7356
7/9/2012

To,
The Assistant Conservator of Forests,
Legal Cell,
Panaji - Goa.

Sub: Regarding details of work done by the Committees from the date of their constitution (i.e. from 03/02/2010) till date.

Ref: No. 10/605/FD/12-13/75/3077 dated 04/09/2012.

Sir,

With reference to the subject cited above, and as desired by you, the information is as follows:

Sr. No 1) The South Goa Forests Division Committee for identification of Private Forests during the tennure of the committee visited the following survey numbers on their field visits:

	Survey No.	Village	Taluka	Range
a)	Sy. No. 12	Caurem	Quepem	Quepem
	Sy. No.30,31,32,54,59,55,56,57, 67	Maina	Quepem	Quepem
	Sy. No. 38	Sulcorna	Quepem	Sanguem
	Sy. No. 168	Rivona	Sanguem	Quepem
b)	Sy. No. 75/1	Kurdi	Sanguem	Kurdi
	Sy. No. 48/1, 51/1	Curpem	Sanguem	Kurdi
c)	Sy. No. 2/1, 2/2	Tudou	Sanguem	Sanguem
d)	Sy. No.328, 330, 358	Loliem	Canacona	Canacona
e)	Sy. No. 7	Naquerim	Quepem	Pissonem
f)	Sy. No. 285/6	Sancoale	Mormugao	Mobile Squad, Margao

Sr. No. 2) All the above Survey numbers under Sr. No. 1 are found to satisfy the criteria of Private Forests except Sy. No. 285/6 of Sancoale Village which needs further inspection and verification by taking into account the adjacent surrounding areas as well.

Sr. No 3) The following Survey Nos have been surveyed and demarcated on ground with wooden pegs and maps of the same are prepared.

	Survey No.	Area	Village	Taluka	Range
1)	67/4	8.1735 Ha	Maina	Quepem	Quepem
2)	30/1,2	2.4341 Ha	Maina	Quepem	Quepem
3)	59	13.45 Ha	Maina	Quepem	Quepem
4)	38	14.9 Ha	Sulcorna	Quepem	Quepem
3)	75/1	5.2 Ha	Kurdi	Sanguem	Kurdi

It is further informed that more Survey numbers could have been identified and survey and demarcation works completed, had the Directorate of Settlement and Land Records made available the five surveyors from the beginning of the tenure of this committee as per the Government notification No.21/2010/FOR dated 03.02.2010

This is for your perusal and further necessary action.

Yours Faithfully,

Sub – Divisional Forest Officer &
Member Secretary
Of the South Goa District,
Committee on Private Forests,
South Goa Division,
Margao – Goa.

224
07/09/12

Copy to: The Chairperson, South Goa District Committee on Private forests, for favour of kind information.

21

Office of the
Addl. Chief Conservator
of Forests, Panaji-Goa.
7359
4/12
7/9/12

No. SDFO/CONV/PON/GEN/2012-13/59
Office of the
Sub-Divisional Forest Officer,
North Goa Division,
Ponda Goa.

Dated:- 6/09/2012.

To
The Asst Conservator of Forest,
Legal Cell.
Panaji Goa.

Sub:- Regarding details of work done by the Committees from the date of their constitution (i.e. from 03/02/2010) till date as required by the Hon. High Court at Bombay at Goa in W.P. No.334/2006....

Ref:- 10/605/FD/12-13/75/3077, dated 04/09/2012.

Sir

This is with reference to the above letter &subject the required information is furnished here under.

Sr. No.	Information Asked	Information Replied
1.	The Sy. Nos. Visited by the Sharma Committee in North Goa District.	Enclosed as Annexure - I
2	The Sy. Nos. fulfilling the criteria of private forest in North Goa District.	Enclosed as Annexure - II
3	The Sy. Nos. Surveyed and Demarcated	Nil

This is for information and further necessary action.

Yours Faithfully,

06/09/2012
Asst. Conservator of Forest &
The Member Secretary
North Goa District Committee
Ponda - Goa.

Sub-Divisional Forest Officer,
North Goa Division,
Ponda-Goa.

223
07/09/12

Copy to :
1 The Dy. Conservator of Forest, North Goa Division, Ponda Goa for information.

ANNEXURE-I

List of the Survey Nos. alongwith name of Villages Visited by the Sharma Committee in North Goa District

Sr No	Taluka	Village	Survey. nos.
1.	Bardez	Salvador-do- Mundo	66, 69, 78, 84, 85, 86, 107, 108, 112, 116, 118, 128,131, 133, 135, 136, 137, 138, 139, 140, 150, 151, 152. 153, 154, 155, 157, 158, 159, 161, 162, 163, 164. 165, 225, 226, 227, 228, 229, 232, 234, 235, 236, 237, 239, 240, 241, 242, 243, 244, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273,274, 275, 280,281, 282, 289, 290, 291, 292, 295, 296, 297, 298, 299, 300, 301. 302, 303, 304, 305, 306, 307, 308, 310, 311, 312, 313, 319, 320, 321, 326, 327, 322, 333, 334, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347. 348, 349, 350. 351, 352, 353. 354, 355, 356, 357. 358, 359, 364, 365, 366.
	Bardez	Penha –de- Franca	34, 35, 183, 184, 186, 187,188, 189, 190, 191, 192.
		Penha –de- Franca	130, 140, 142, 145, 146, 148, 149. 150. 151. 182
		Penha –de- Franca	109, 111, 115, 118, 119, 133, 139.
		Penha –de- Franca	33, 39, 40
		Sangolda	25
		Mapusa	P.T. Sheet No. 36
		Pilgao	103, 125, 123, 101, 67, 68, 69, 58, 59, 60, 62.
	Bardez	Verlac	93, & 94
		Arpora	73
		Saligao	103 to 111

		Sangolda	25
		Siolim along marnavadi-chapora road	300 to 364
		Reis mangos, Betim verem	65
2	Pernem	Alorna,	66
3	Sattari	Rive Valpo	11
4	Ponda	Betora	193 & 194
		Kankeri	29
		Priol,	209
5	Dharbandora	Shigao,	21
		Sangod,	21 & 25

06/09/2011

Sub-Divisional Officer,
North Division,
Ponda-Goa.

ANNEXURE – II

List of the Survey Nos. alongwith name of Villages fulfilling the criteria of private forest

Sr. No	Taluka	Village	Sy. Nos.	Remarks
1.	Bardez	Salvador-do-Mundo Near church	274(P), 239 (P), 275(P), 273(P), 272(P),281(P), 266(P), 282(P) 292(P), 359(P).	Areas has not been Surveyed & Hence the Survey number of the areas has been shown as part.
		Salvador-do-Mundo Near Veloti	268(P), 269(P), 270(P), 271(P), 291(P), 292(P), 296(P), 297(P), 298(P), 299(P), 300(P), 301(P), 357(P), 358(P).	-do-
		Salvador-do-Mundo Near Ecoxim	344(P), 326(P), 346(P), 312(P), 327(P), 341(P), 342(P).	-do-
		Salvador-do-Mundo Near Behind KTC Depot	133(P), 137(P), 138(P), 139(P), 135(P), 150(P), 151(P), 152(P), 153(P), 154(P), 155(P).	-do-

Bardez	Penha –de-France right side of B.B. Borkar Road between Britona to Porvorim.	35, 183(P), 184(P), 186(P), 187(P), 188(P), 189(P), 190(P), 191(P), 192(P).	Areas has not been surveyed & hence the Survey numbers of the areas has been shown as part.
	Penha –de-France Left side of B.B. Borkar Road between Britona to Porvorim.	130(P), 140(P), 142(P), 145(P), 146(P), 148(P), 149(P), 150(P), 181(P), 182(P)	-do-
	Penha –de-France Left side of Porvorim to Hariwada	109(P), 111(P), 115(P), 118(P), 119(P), 133(P) 139(P).	-do-
	Penha –de-France opposite to Porvorim Housing board colony	33(P), 34(P), 39(P), 40(P)	-do-
	Sangolda	25(P)	-do-
	Mapusa	P.T. Sheet No. 36(P)	-do-

10/2/09

	Bardez	Verlac	93(P), & 94(P)	Areas has not been surveyed & hence the Survey numbers of the areas has been shown as part.
		Siolim along marnavadi-chapora road	306(P), 307(P), 309(P)	-do-
		Reis mangos, Betim verem	65/1(P).	-do-
2	Pernem	Alorna,	66/0(P)	-do-
3	Sattari	Rive Valpo	11/1(P)	-do-
4	Ponda	Betora	193(P) & 194(P)	-do-
		Kankeri	29(P)	-do-
		Priol,	209(P)	-do-
5	Dharbandora	Shigao,	21/1(P)	-do-
		Sangod,	25/2(P), 25/1-A (P) & 21/2(P)	-do-

02/09/2011

Sub-Divisional Forest Officer,
North Goa Division,
Ponda - Goa.

Office of the
Ad. Pr. Chief Conservator
of Forests Panaji-Goa.
Inward No. 10446
Book No. 6/12
Date: 28/11/12

No. 7-1-2009/FOR/~~396~~ 1489
Government of Goa
Forest Department,
Secretariat,
Porvorim – Goa.

Date : 27th November, 2012

NOTIFICATION

In supersession of Notification No. 7-1-2009/FOR dated 15/10/2012 issued pursuant to the directive contained in the order dated 16 December, 2009, of Hon'ble High Court of Bombay at Goa, the Government of Goa is pleased to constitute the following Committees for the purpose of identification of balance areas of private forests in the state:

- North Goa Forest Division Committee

(1)	Shri. V. T. Thomas (Ex-Forest Officer), Porvorim, Bardez-Goa.	:-	Chairman
(2)	Dy. Conservator of Forests, North Goa Division, Ponda- Goa	:-	Member
(3)	Dr. Nitin Sawant, Porvorim, Bardez – Goa.	:-	Member
(4)	Shri. Rajendra Kerkar, Keri, Sanquelim – Goa.	:-	Member
(5)	An Officer of the Revenue Department, not below the rank of Dy. Collector	:-	Member
(6)	An Officer of the DSLR, not below the rank of Head Surveyor.	:	Member
(7)	Sub-Divisional Forest Officer, Ponda –Goa.	:	Member Secretary

- South Goa Forest Division Committee

(1)	Shri. Francisco Araujo, (Ex-Forest Officer), Ribandar, Tiswadi – Goa.	:-	Chairman
(2)	Dy. Conservator of Forests, South Goa Division, Margao – Goa.	:-	Member
(3)	Shri. Sandeep Azrekar, Margao –Goa.	:-	Member
(4)	Shri. Abhijit Prabhudessai, Margao – Goa	:-	Member
(5)	An Officer of the Revenue Department not below the rank of Dy. Collector.	:-	Member
(6)	An Officer of the DSLR not below the rank of Head Surveyor.	:	Member
(7)	Sub-Divisional Forest Officer, Quepem – Goa	:	Member Secretary

The terms of reference and other conditions of the Committees shall be as under:-

1. The Committees shall identify the balance areas of private forests in North Goa Forest Division and South Goa Forest Division, respectively that have not been covered by the Sawant Committee Report and Karapurkar Committee Report.

2. The Committees shall locate the private forests on ground individually, and judge them ocularly in conformation with crop composition (75% or more of the trees to be of forest nature) and canopy density (0.4 or more).

3. The DSLR/Revenue Officer shall immediately estimate, through the Land Surveyors, the geographical areas of such forests.

328/C

4. If such forests are found to be satisfying the three criteria (i.e geographical area 5 Ha. or more if not contiguous to Government forests, crop composition of 75% or more trees of forest species and canopy density 0.4 or more) by the Committees, the DSLR & Revenue Officers shall get such identified private forests surveyed, plotted them on the map and incorporated them in the plans of the respective Survey Numbers.

   For enabling this, the respective District Collectors, in coordination with the Director of Settlement and Land Records, shall depute a team of necessary and sufficient number of field surveyors to be at the disposal of the DSLR's officers in the Committees.

5. The Committees shall demarcate such identified private forests from the non forest area on the ground by pegs and on the maps as well.

6. The Committees shall submit their monthly progress report to the Additional Pr. Chief Conservator of Forests, in the format at Annexure 1.

7. The Chairmen of the Committees shall be paid Honorarium of Rs.1500/- per day (irrespective of whether it is meeting or field visit).

8. Those other members of the Committees who are not serving Government officials, shall be paid Honorarium of 1000/- per day (irrespective of whether it is meeting or field visit).

The concerned DCFs (Territorial) shall provide necessary stationary to the Committees and necessary transport facility to the Chairmen and non-Government officials when the Committees are in action.

The Superintendent of Police, North Goa and South Goa shall provide, subject to advance intimation by the Member Secretaries of the Committees in this regard, the necessary protection to the Committees during their field visits.

As soon as private forests is finally identified (demarcated with pegs) in a particular Survey Number, the same shall be intimated by the Committees to DCF (Working Plan) and upon receiving such intimation, the DCF (WP) shall immediately take steps to fix boundary stones around such private forest.

This issues with the approval of the Government.

By Order and in the name of the
Governor of Goa.

(Sushama D. Kamat)
Under Secretary (Forests)

To,

1. The Director, Printing and Stationery, Government Printing Press, Panaji – Goa for publication in the Official Gazette and supply 2 copies of the same to this Office for record.

2. The Director of Information, Panaji with a request to give wide publicity in the News Papers.

3. The Additional Principal Chief Conservator of Forests, Panaji.

Copy to:-

1. The Collector, North Goa District, Panaji – Goa.
2. The Collector, South Goa District, Margao – Goa.
3. The Director of Settlement and Land Records, Panaji – Goa.
4. The Director of Accounts, Panaji – Goa.
5. The R. A. O, Panaji – Goa.
6. The Chairman.
7. The Member Concerned.
8. The P.S. to Chief Minister, Secretariat, Porvorim – Goa.
9. The P.S. to Forest Minister, Secretariat, Porvorim – Goa.
10. The P.A. to Chief Secretary, Secretariat, Porvorim – Goa.
11. The P.A. to Pr. Secretary (Forests), Secretariat, Porvorim – Goa.
12. The Guard file.
13. 0/c.

No. 7-1-2009/FOR
Government of Goa
Forest Department,
Secretariat,
Porvorim – Goa.

Date : 15/10/2012

NOTIFICATION

In partial modification of Notification No. 2-1-2010/FOR dated 03/02/2010 and in pursuance of the directive contained in the order dated 16 December, 2009, of Hon'ble High Court of Bombay at Goa, the Government of Goa is pleased to constitute the following Committees for the purpose of identification of balance areas of private forests in the state:

- North Goa Forest Division Committee

1. Shri. V. T. Thomas (Ex-Forest Officer), Porvorim, Bardez-Goa. :- Chairman
2. Dy. Conservator of Forests, North Goa Division, Ponda- Goa :- Member
3. Dr. Nitin Sawant, Porvorim, Bardez – Goa. :- Member
4. Shri. Rajendre Kerkar, Keri, Sanquelim – Goa. :- Member
5. An Officer of Revenue Department, not below the rank of Dy. Collector :- Member
6. An Officer of DSLR, not below the rank of Head Surveyor. : Member
7. Sub-Divisional Forest Officer, Ponda – Goa. : Member Secretary

- South Goa Forest Division Committee

1. Shri. Francisco Araujo, (Ex-Forest Officer), Ribandar, Tiswadi – Goa. :- Chairman
2. Dy. Conservator of Forests, South Goa Division, Margao – Goa. :- Member
3. Shri. Sandeep Azrekar, Margao –Goa. :- Member
4. Shri. Abhijit Prabhudessai, Margao – Goa :- Member
5. An Officer of Revenue Department not below the rank of Dy. Collector. :- Member
6. An Officer of DSLR not below the rank of Head Surveyor. : Member
7. Sub-Divisional Forest Officer, Quepem –Goa : Member Secretary

The terms of reference to the above constituted Committees as per the said Order of the Hon'ble High Court of Bombay at Goa, the Committees shall work under the following terms and conditions:-

1. The Committees shall identify the balance areas of private forests in North Goa Forest Division and South Goa Forest Division respectively that have not been covered by the Sawant Committee Report and Karapurkar Committee report and by the two Committees which were formed on 03/02/2010 in the state.

2. The Committees shall locate the private forests on ground individually, and judge them ocularly in conformation with crop composition (75% or more of the trees to be of forest nature) and canopy density (0.4 or more).

3. The DSLR/Revenue Officer shall immediately estimate, through the Land Surveyors, the geographical areas of such forests.

4. If such forests are found to be satisfying the three criteria (i.e geographical area 5 Ha. or more if not contiguous to Government forests, crop composition of 75% or more trees of forest species and canopy density 0.4 or more) by the Committees, the DSLR & Revenue Officers shall get such identified private forests surveyed, plotted them on the map and incorporated them in the plans of the respective Survey Numbers.

   For enabling this, the respective District Collectors, in coordination with the Director of Settlement and Land Records, shall depute a team of necessary and sufficient number of field surveyors to be at the disposal of the DSLR's officers in the Committees.

5. The Committees shall demarcate such identified private forests from the non forest area on the ground by pegs and on the maps as well.

6. The Committees shall submit their monthly progress report to the Additional Pr. Chief Conservator of Forests, in the format at Annexure 1.

7. The Chairmen of the Committees shall be paid Honorarium of Rs.1500/- per day (irrespective of whether it is meeting or field visit).

8. Those other members of the Committees who are not serving government officials, shall be paid Honorarium of 1000/- per day (irrespective of whether it is meeting or field visit).

The concerned DCFs (Territorial) shall provide necessary stationary to the Committees and necessary transport facility to the Chairmen and non-government officials when the Committees are in action.

The Superintendent of Police, North Goa and South Goa shall provide, subject to advance intimation by the Member Secretaries of the Committees in this regard, the necessary protection to the Committees during their field visits.

As soon as private forests is finally identified (demarcated with pegs) in a particular Survey Number, the same shall be intimated by the Committees to DCF (Working Plan) and upon receiving such intimation, the DCF (WP) shall immediately take steps to fix boundary stones around such private forest.

This issues with the approval of the Government.

By Order and in the name of the
Governor of Goa.

(Pushpa Naik)
Under Secretary (Forests)

To,

1. The Director, Printing and Stationery, Government Printing Press, Panaji – Goa for publication in the Official Gazette and supply 2 copies of the same to this Office for record.

2. The Director of Information, Panaji with a request to give wide publicity in the News Papers.

3. The Additional Principal Chief Conservator of Forests, Panaji.

Copy to:-

1. The Collector, North Goa District, Panaji – Goa.
2. The Collector, South Goa District, Margao – Goa.
3. The Director of Settlement and Land Records, Panaji – Goa.
4. The Director of Accounts, Panaji – Goa.
5. The R. A. O, Panaji – Goa.
6. The Chairman.
7. The Member Concerned.
8. The P.S. to Chief Minister, Secretariat, Porvorim – Goa.
9. The P.S. to Forest Minister, Secretariat, Porvorim – Goa.
10. The P.A. to Chief Secretary, Secretariat, Porvorim – Goa.
11. The P.A. to Pr. Secretary (Forests), Secretariat, Porvorim – Goa.
12. The Guard file,
13. O/c

MINUTES OF THE MEETING

The Committee on Private Forest for North Goa Division appointed by Government of Goa vide notification No. 2/1/2010 FOR dated. 3/2/2010 met for the first time at 11.30 hours on 25/3/2010 in the office of Dy. Conservator of Forests, North Goa Division, at Ponda.

The following are the office bearers for the North Goa District.

1. Shri. K.G.Sharma, (Ex-Director of Agriculture)... ... ... Chairman.
2. Prof.Janardhanam Botany Department, Goa University, ... Member.
3. Shri. V.T.Thomas (Ex-DCF) Porvorim Bardez Goa. .. .. .. Member
4. Shri G.T. Kumar (D.C.F.North Ponda - Goa) .. .. Member
5. Shri Subhas Henriques, (S.D.F.O, Ponda) .. ..Member Secretary.

Due to last minute urgent engagement in attending to some important works the Chairman Shri. Sharma and Member Prof. Jarnardhanam could not be present for the deliberations to chalk out the programs and methodologies to be adopted to carry out the task as per the terms of reference according to the Order of the Hon'ble High Court of Bombay at Goa.

The meeting was held as per schedule and the members present deliberated on terms of reference. The meeting discussed the problems faced during survey of identified Private Forests and problems that we may have to face in this exercise here after.

It was felt that as the Chairman could not be present for the meeting no decision was taken and that the Member Secretary was requested to meet the Chairman and fix an early meeting to deliberate on the terms of reference and methodology to be followed

(Subhas Henriques)
Sub-Divisional Forest Officer&
Member Secretary
North Goa District,
Ponda- Goa.

CERTIFIED COPY UNDER RIGHT TO INFORMATION ACT, 2005

Sub-Divisional Forest Officer
North Goa Division,
Ponda-Goa.

MINUTES OF THE MEETING

The Committee on Private Forest for North Goa Division met at 10.30 hours on 09/04/2010 in the Conference Hall, North Goa Division, at Ponda.

The following office bearers were present.

1. Shri. K. G. Sharma, (Director of Agriculture,Retd.)... ... ... Chairman.
2. Prof. M. K. Janarthanam, Botany Department, Goa University, Member.
3. Shri. V. T. Thomas (Dy.CF,Retd) Porvorim Bardez Goa. .. .Member
4. Shri G.T. Kumar (Dy.C.F.North Ponda - Goa) .. ..Member
5. Shri Subhas Henriques, (S.D.F.O, Ponda) .. ..Member Secretary.

The Chairman Shri K.G. Sharma welcomed all the members who were present and deliberated on the methodology to be adopted to carry out the tasks as per the terms of reference in the notification.

Members participated in the discussion to work out the modalities. Prof. M. K. Janarthanam suggested that digitized maps of Forests area be obtained.

Shri V. T. Thomas informed that Digitized Regional Plan Maps are available and the same could be utilized for the purpose.

Prof. Janarthanam informed that if latest (within 2 to 5 years) NRSE images could be obtained the same could be super-imposed on digitized maps to achieve the goal.

Shri. Thomas informed that the panchayats be informed of any inspections of areas to be identified as Pvt. Forests. He also said that areas identified as Pvt. Forests should be surveyed for which surveyor will be required.

It was felt that Pvt. Forests identified by Sawant and Karapurkar committees may be provided to members.

The meeting ended with thanks to the chair by the Member Secretary.

FIED U... UNDER
INFORMATION ACT, ...
01/08/2011
Sub-Divisional ... Asst.
North Goa ...
Ponda ...

(Subhas Henriques)
Sub-Divisional Forest Officer&
Member Secretary
North Goa District,
Ponda- Goa.

Copy with compliments to:-

1.The Additional Principal Chief Conservator of Forests, for favour of information.
2.The Member Secretary Sub- Divisional Forest Officer Margao, South Goa Forest Division

Minutes of Meeting of the Committee of Identification of Private Forests held on 04/02/2011 at 10.30 A.M. in the Conference Hall in Forest Colony, Ponda.

The following office bearers were present.

1. Shri. K. G. Sharma, (Director of Agriculture,Retd.)... ... ... Chairman.
2. Prof. M. K. Janarthanam, Botany Department, Goa University, Member.
3. Shri. V. T. Thomas (Dy.CF,Retd) Porvorim Bardez Goa. .. .Member
4. Shri G.T. Kumar (Dy.C.F.North Ponda - Goa) .. ..Member
5. Shri Subhas Henriques, (S.D.F.O, Ponda) .. ..Member Secretary.

The Chairman Shri K.G. Sharma welcomed all the members.

The Committee observed that the request made for digital delineation for un-identified areas for the purpose of satellite imaginaries under GIS by the Forest Department may take some more time; The Committee decided to proceed with information obtained through Range Forest Officers and also representations received from Panchayats, General Public and NGO's/Environmentalists.

It was decided that the representations received from any NGOs, Public, Panchayats or RFO's are dully acknowledged and in warded serially.

Filed visit is fixed on 23rd February, 2011 to visit sites at Piligao Bicholim in response to the representation received from the village Panchayat Piligao and some public from Piligao Bicholim. It was also decided to visit Rivem, Thane Valpoi on receipt of a report from R.F.O. Valpoi

In this connection Member Secretary should ensure to get the services of Surveyor from Forest Department with relevant records for accompanying the Committee Members.

The Committee felt that a follow up action for getting Surveyors from office of Director of Settlement & Land Records, Panaji, shall be taken up by Member Secretary at the earliest. However before writing any letter to Director of Land Survey, the Member Secretary may confirm the latest position of the Surveyors.

The Member Secretary should collect digital Regional Map of North Goa Forests Division Ponda.

It was decided that maintaining of Secretarial work be done as per the Office procedure of the Government, for which the services of the steno / typist of DCFN who is also as member of committee be made available.

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01/08/2011

Sub-Divisional Forest Officer.
North Goa Division
Ponda Goa

The meetings should necessarily be held once in two months or as per the exigency.

Next meeting is fixed on 23rd March, 2011 at 10.30 A.M. in the Conference Hall at Forest Colony, Ponda.

Members of the committee felt that there should be a provision for payment of some kind of Honorarium for the services of the task interested upon them by the Government.

(Subhas Henriques)
Sub-Divisional Forest Officer &
Member Secretary
North Goa District,
Ponda- Goa.

Copy with compliments to:-

1. The Additional Principal Chief Conservator of Forests, for favour of information and kind consideration.
2. The Member Secretary Sub- Divisional Forest Officer Margao, South Goa Forest Division.

01/02/2011
Sub-Divisional Forest Officer.
North Goa Division
Ponda-Goa

Minutes of Emergency Meeting of the Committee of Identification of Private Forests held on 27/06/2011 at 3.30 pm in the Office of the Dy. Conservator of Forests, North Ponda.

The following office bearers were present.

1. Shri. K. G. Sharma, (Director of Agriculture,Retd.)... ... ... Chairman.
2. Shri G.T. Kumar (Dy.C.F.North Ponda - Goa) .. .. Member
3. Shri Subhas Henriques, (S.D.F.O, Ponda) .. .. Member Secretary.

The Chairman Shri K.G. Sharma welcomed all the members.

The Member Secretary on telephonically intimating the members called this emergency meeting regarding the field visit fixed to visit Rivem village, Valpoi Sattari on 28/06/2011 for identifying areas under Private Forest of Rivem village.

The Member Secretary informed the members that Range Forests Officer, Valpoi had informed that the areas proposed to be visited in Rivem was not accessible at the movement due to heavy rains as such the nallahs and rivers were over flowing and that the sites are not accessible at the moment.

The matter was discussed and it was decided to postponed the visit after mid September on getting a report of Range Forest Officer, whether conditions were suitable to conduct the visit/ inspection.

The Chairman also requested that a visit may be conducted shortly to visit areas in an around Panaji where inspection could be done at the movement. The member Secretary was directed to finalize the same.

The Member Secretary thanked the members to make it possible on telephonically being informed of the same at a short notice.

(Subhas Henriques)
Sub-Divisional Forest Officer &
Member Secretary
North Goa District,
Ponda- Goa.

CERTIFIED COPY UNDER RIGHT TO INFORMATION ACT, 2005

01/08/2011

Sub-Divisional Forest Officer
North Goa Division
Ponda-Goa

Report of field visit to inspect areas in Piligao village, Bicholim

The Committee for identification of Private Forest met at the Panchayat office, Piligao to visit sites under survey Nos. 58/123, 59/0, 60/0, 62/2, 67/3, 68/1, 69/1, 101/1 and 103/125.

The Committee members along with Sarpanch Smt. Sangeeta Dhatkar and Punch members Shri Sandesh Govekar & Shri Mahadev Vengurlekar, NGO Rohidas Jalmi and also by Forests Personnel Round Forester Budhaji Naik, Forest Guard Subhash Arondekar and Divisional Surveyor Shri P.P. Janardhan proceeded to the above mentioned survey nos.

It was informed by Shri Rohidas Jalmi that Sy. No. 68/1 as been purchase by M/s Dempo Mining Corporation Ltd. It was observe that partly the area has been utilized for mining dumps, which could be seen at the time of visit. It was further observed by the members of the committee that some part of the area had vegetation which could attract category of Pvt. Forests. However detailed survey by Forests staff shall determine the exact area from the total land under of the above survey no. which possesses tree density above 0.4 as well as composition of trees species. There after such area can be surveyed and mapped by the surveyors.

The NGO and other public members had shown a natural spring in the property under Sy. No. 101/1.

It was observed that there was some tree felling carried out in Sy. No. 60/0. The details for which were required to be obtained from R.F.O. Keri. (Felling permission was issued to fell 14 trees vide order DCFN/1/P-KER-10/10-11/172 dt. 24/06/2010). The members decided to intimate the concerned Forest staff not to issue any felling permissions in the survey numbers mentioned here in above till the final report is prepared.

However the final report will be prepared after verifying the composition of the tree cover and surveying and mapping the area having density above 0.4

(Subhas Henriques)
Sub-Divisional Forest Officer &
Member Secretary
North Goa District,
Ponda- Goa.

Copy with compliments to:-

1. The Additional Principal Chief Conservator of Forests, for favour of information. and kind request to issue directives to the concerned Forests Staff not to issue any felling permissions in the above mentioned Sy. Nos.
2. The Member Secretary Sub- Divisional Forest Officer Margao, South Goa Forest Division.

CERTIFIED COPY UNDER RIGHT TO
INFORMATION ACT 2005

01.02.2011
Sub-Divisional Forest Officer
North Goa Division
Ponda-Goa

Report of field visit to inspect areas in Priol & Bethora village, Ponda Taluka

The Committee for identification of Private Forest in North Goa Division met at Ponda Forest Office on 19/04/2011 and as decided proceeded to visit the area under Sy. No. 209/0 of Priol village Ponda.

The Members present were the Chairman, Members Shri V.T. Thomas, Dr. G.T. Kumar and the Member Secretary . The finding of the visit is as follows:-

The Sarpanch of Priol Smt. Ashawita Gaude, Shri Nitin Prabhu, Shri Devannad Satarkar & few other local persons were also present at the site, as proposed at 10.00 a.m.

The area under Survey No. 209/0 was seen to be 15.47 Ha. of which a sizeable chunk of the area dose not come under the purview of a Private Forest as the area is under cashew plantations.

The balance area predominantly lying on the upper reaches from East, South and Westwards and situated all along the ridge appears to be coming within the purview of being classified as a Private Forest. It was decided to survey the said area before a final report could be prepared. Some of the Forest species existing in the forested area are :- Xylia xylacarpa, Tarminelia tomentosa, Tarminelia paniculata, Tarminelia belerica, Lannea ceromandelica, Buchanania lanzan, Stryegnos nuxvomica, Careya arborea, Gmelina arborea, Bombax ciba, Allbyzzia lebeck, Emblica officinalis, Carelia bractiata, Mouringa peltata, Aporosa spp., etc.

The Committee opined that the Forested patch needs to be surveyed to assess the extent of area in ha. So that a decision can be taken to incorporate the area as Pvt. Forest or otherwise.

(Visit by Committee to Survey No. 193, 194 of Bethora village Ponda taluka)

The Committee thereafter proceeded to the Survey Nos. 193 & 194 of village Bethoda , Ponda Taluka having a total area of about 22.5 Ha. situated on the left side of the by - pass road of NH-4A between Curti junction and Borim junction.

It was noticed that some developmental activities of making roads and filling up of low lying area is in progress . A small structure has been built at the entrance of the area. A lot of under growth of the area has been cleared.

The committee members present went through the area and were of the opinion that the area fulfills the criteria of being classified as a Private Forest. As the area has a vegetation cover of more than o.4 density and is covered with predominantly Forestry tree spices with negligible presence of cashew trees.

The Chairman requested the Dy. Conservator of Forests North Goa Division to take steps to stop any further development activity in the area and preserve the Forest cover. He requested the Dy. Conservator Forests North, who is also a member of the committee, to take immediate action and informed the matter to the Revenue Authorities to take suitable action.

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21.04.2011

Sub-Divisional Forest Officer,
North Goa Division
Ponda-Goa

The Chairman also informed him, who is also member of the Committee, to take immediate action to bring it to the notice of the Revenue Authorities, and requested to take suitable action in the matter.

However the final report will be prepared after verifying the composition of the tree cover and surveying and mapping the area having density above 0.4

Place:- Ponda

Date:- 19/04/2011

(Subhas Henriques)
Sub-Divisional Forest Officer &
Member Secretary
North Goa District,
Ponda- Goa.

Copy with compliments to:-

1. The Chairman North Goa Private forest Committee for infromation.
2. The Additional Principal Chief Conservator of Forests, for favour of information.
3. The Member Secretary Sub- Divisional Forest Officer Margao, South Goa Forest Division.

Sub-Divisional Forest Officer
North Goa Division
Ponda-Goa

Report of field visit to inspect areas in and around Panaji.

The Committee for identification of Private Forest in North Goa Division met at Panaji Range Forest Office on 08/07/2011 at 9.30am

. Following members were present.

1. Shri. V. T. Thomas (Dy.CF,Retd) Porvorim Bardez Goa. .. .Member
2. Shri Subhas Henriques, (S.D.F.O, Ponda) .. ..Member Secretary.

Only two members were present, as the other members were tied down by some last minute works, the members present decided to proceed to visit the areas fixed for the day and make a preliminary survey of the same. Shri S. Azrekar and Mrs. Edith D'Sa, having been verbally informed, were also present in the Range Forest Office for the same. Accordingly all persons gathered proceeded for a preliminary survey of the areas.

The following site were visited and the preliminary report is as follows.

1. Penha de Franca

   Area under Sy.No 34 was visited and it was seen that though there was some area that fulfils the criteria of a Private Forest, it was too small an area to be considered. However a little ahead leading towards Salvador de Mund (Sy. No. 35- to be confirmed) the area fulfils the criteria of a Private Forest and is substantially large, and was decided to survey the same before coming to a final conclusion to be included as a Private Forest. The Range Forest Officer, Panaji who was present was informed accordingly.

2. Salvador do Mund

   Mrs. Edith D'Sa owner of property under Sy. Nos 275 and 359 showed the area and the same fulfilling the Criteria of a Private Forest, is to be surveyed and included as a Private Forest. The Range Forest Officer, Panaji, was instructed to also collect Form I & XIV of Sy. Nos. 239, 266, 274 and 292 in addition to Sy. Nos 275 and 359. This areas are to be surveyed to see the extant of the same after carrying out the survey work.

3. Mapuca

   Area under PT. Sheet No.36 was seen and was found to be fulfilling the Criteria of a Private Forest; The same is to be surveyed and final decision taken after surveying the area.

4. Verla

   Survey Nos 93 & 94 was visited and it was seen that part of Sy. No. 94 was earlier identified by the previous committee and the same demarcated. However RFO was requested to obtain I & XIV and check up the position regarding the balance area whether additional area can be included.

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01.08.2011

Sub-Divisional Forest Officer
North Goa Division
Ponda-Goa

5. Arpora

Sy. No. 73 was inspected and it was seen that the same has been partly demarcated as Private Forests. Adjoining area appears to be fulfilling the criteria and the RFO was requested to confirm the survey Nos. and survey the same for inclusion or not.

6. Saligao

The area around the Salmona Spring was visited and it was seen that the same is having rare indigenous species which are to be preserved. However the RFO was instructed to confirm the extent of the area and whether the Social Forestry Plantation raised in the vicinity is adjoining to the same and whether the area exceeds 5 ha. to be included as a Private Forest. The details of Sy. No. 103 to 111, covering the area, is also to be obtained and confirmed on the ground.

7. Sangolda

The area under Sy. No. 25 was finally visited and the same fulfilling the Criteria of a Private Forests, it's details (Form I & XIV with plan) was to be obtain by the Panaji RFO and after surveying the area necessary action to be included as Private Forest can be taken.

Place:- Ponda

Date:- 09/07/2011

(Subhas Henriques)
Sub-Divisional Forest Officer &
Member Secretary
North Goa District,
Ponda- Goa.

Copy with compliments to:-

1. The Chairman North Goa Private forest Committee and the members of the Commitee.

3. The Member Secretary Sub- Divisional Forest Officer Margao, South Goa Forest Division.

CERTIFIED COPY UNDER RIGHT TO INFORMATION ACT, 2005

01.08.2011

Sub-Divisional Forest Officer,
North Goa Division,
Ponda-Goa.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,

GOA BENCH, AT PANAJI

MCA No.172/2008

in

Writ Petition No.334 of 2006

The Goa Foundation)... Applicant/Petitioner

v/s

State of Goa and another)... Respondents

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Panaji dated 3-3-2008 Advocate for applicant

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
GOA BENCH, AT PANAJI

MCA No. 24/2008
in
WRIT PETITION NO. 334 of 2006

Goa Foundation.) Applicant

in

Goa Foundation, a society registered under)
the Societies Registration Act, 1960,)
through its Secretary, Dr. Claude Alvares,)
and having its registered office)
at Room 7, Above Mapusa Clinic,)
Mapusa, Goa) ..Petitioner

v/s.

1. State of Goa through)
its Chief Secretary)
Government of Goa,)
Secretariat, Porvorim, Goa.)

2. The Chief Conservator of Forest,)
Forest Department,)
Gomantak Maratha Mandir,)
Panaji, Goa.)

3. The Secretary,)
Ministry of Environment and Forests,)
Paryavaran Bhavan,)
C.G.O Complex, Lodi Road,)
New-Delhi 110 003)

4. The Tree Officer,)
Office of the DCF, North Goa,)
Ponda, Goa.)

5. The Tree Officer,)
Office of the DCF, South Goa,)
Margao, Goa.)

6. The Collector, North Goa)
North Goa Collectorate,)
Panaji, Goa.)

7. The Collector, South Goa)
South Goa Collectorate,)
Margao, Goa.)...Respondents

Amended Order 8 The Director of Mines.
2/4/08

APPLICATION FOR ADDITIONAL DIRECTIONS

May it please your Lordships

1) The above petition has been filed for directions to the State Government to identify the balance areas of private forest in the State of Goa in terms of the order of the apex court dated 12.12.1996 in the *Godavarman* forest case. Two Committees, notably the Sawant and thereafter, the Karapurkar Committees, have identified approximately 67 sq.km of private forest in the state of Goa pursuant to the said order of the apex court. However, much work remains to be done.

2) The petition was admitted on 21.11.2006, and while admitting the petition the court granted interim relief, directing that the Collector will not issue Conversion Sanads for any private properties with tree cover without approval of the Forest Department. The Court also granted liberty to move it as and when contingency arose so that appropriate orders/directions could be issued. Copy of the order dated 21.11.2006 is annexed as ***Annexure A***.

3) This application is being filed by the applicant in view of its discovery that mining companies are not filing applications under the Goa Land Revenue Code, 1968, when carrying out mining activities and hence their leases are not being referred by the Department of Mines to the Forest Department for verification as required by the above order.

4) On 31st December, 2007, applicants conducted a survey of 12 mines and found widespread destruction of forest on several mining leases. Many of them were without the requisite clearance

from the Central Government under the Forest Conservation Act, 1980. Report of the site visit together with photographs is annexed to this application as ***Annexure B***. In each case, the persons working on the lease informed us that since they were working in private land, there was no need for permissions under the Forest Conservation Act, 1980.

5) Applicant states that the order of the apex court dated 12.12.1996 in *Godavarman* is very clear on this aspect as it states:

> "It has emerged at the hearing, that there is a misconception in certain quarters about the true scope of the Forest Conservation Act, 1980 (for short the 'Act') and the meaning of the word 'forest' used therein. There is also a resulting misconception about the need of prior approval of the Central Government, as required by Section 2 of the Act, in respect of certain activities in the forest area which are more often of a commercial nature. It is necessary to clarify that position.
>
> "The Forest Conservation Act, 1980 was enacted with a view to check further deforestation which ultimately results in ecological imbalance; and therefore, the provisions made therein for the conservation of forests and for matters connected therewith, must apply to all forests irrespective of the nature of ownership or classification thereof. The word 'forest' must be understood according to its dictionary meaning. This description covers all statutorily recognized forests, whether designated as reserved, protected or otherwise for the purpose of Section 2(i) of the Forest Conservation Act. The term 'forest land', occurring in Section 2, will not only include 'forest' as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of the ownership. This is how it has to be understood for the purpose of Section 2, of

the Act. The provisions enacted in the Forest Conservation Act 1980 for the conservation of forests and the matters connected therewith must apply clearly to all forests so understood *irrespective of the ownership or classification thereof* [emphasis added]. This aspect has been made abundantly clear in the decisions of this court in *Ambica Quarry Works and Ors. Versus State of Gujarat and Ors.* (1987 (1) SCC 213), *Rural Litigation and Entitlement Kendra versus State of U.P.* (1989 Suppl. (1) (SCC 504), and recently in the order dated 29th November, 1996, in W.P.(C) No. 749/95 *(Supreme Court Monitoring Committee Vs. Mussorie Dehradun Development Authority & Ors.).* The earlier decision of this court in *State of Bihar Vs. Banshi Ram Modi and Ors.* (1985 (3) SCC 643) has, therefore, to be understood in the light of these subsequent decisions. We consider it necessary to reiterate this settled position emerging from the decisions of this court to dispel the doubt, if any, in the perception of any State Government or authority. This has become necessary also because of the stand taken on behalf of the State of Rajasthan, even at this late stage, relating to permissions granted for mining in such area which is clearly contrary to the decisions of this court. It is reasonable to assume that any State Government which has failed to appreciate the correct position in law so far, will forthwith correct its stance and take the necessary remedial measures without any further delay.

"We further direct as under:

I. GENERAL

"1. In view of the meaning of the work "forest" in the Act, it is obvious that prior approval of the Central Government is required for any non-forest activity within the area of any "forest". In accordance with Section 2 of the Act, all on going activity within any forest in any State throughout the country,

without the prior approval of the Central Government, must cease forthwith."

6) The applicants are therefore approaching this Hon'ble Court for a direction to cure the present anomaly and to ensure that mining leases are also brought within the framework of the order dated 27.11.2006 passed by this Hon'ble Court in the above petition.

7) It may be pointed out here that when the Central Government grants clearance, it imposes several conditions including payment of Net Present Value (NPV) and compensatory afforestation. By avoiding forestry clearance altogether, not only is the law and the order of the apex court violated, the Forest Department is unable to raise the resources from the party to be allocated for compensatory afforestation.

8) There are approximately 70 odd mining leases operating in Goa at present with permissions from various authorities. Many of these leases have tree cover in the nature of forest on the lease. Some of this forest land is owned by Government (for which permission under FCA, 1980 has been sought), others are private forests. In the absence of protection from any source, the private forests are easily demolished and destroyed. It is necessary, therefore, that the forest department be directed to identify those mining leases, presently operating, which are having private forests on them in order to ensure that these leases have received clearance under the Forest Conservation Act as required by law and the orders of the apex court.

9) Petitioners also pray for appropriate directions to the authorities to ensure that no work will henceforth commence on any new mining lease or continue on a lease for which applications for renewal are received, without the lease being first referred to the forest department to ascertain whether there is forest land on the lease. Applicants are therefore praying in this application that the

order dated 21.11.2006 will also be applied to mining leases in the State of Goa.

10) Applicants are therefore approaching this Hon'ble Court for the following reliefs, in the interests of protection of forests in the State of Goa:

Prayers:

1. For an order directing the Chief Conservator of Forests (Respondent No.2) to file a report before this Hon'ble Court (after site visit) as to which of the mining leases presently operating are having private forests on them and whether these leases have procured forest clearance under the provisions of the FCA, 1980.

2. For an order directing the State of Goa (Respondent No. 1) not to permit any development work or mining operations to commence on any new mining lease, or to continue mining operations on an existing lease for which application for renewal is received, without obtaining NOC from the Forest department.

3. For any other reliefs that this Court may be pleased to grant;

4. For costs of this application.

Panaji 3-3-2008 Advocate for applicant

7

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
GOA BENCH, AT PANAJI

MCA No. 2008
in
Writ Petition No.334 of 2006

The Goa Foundation	)...Applicant
in	
The Goa Foundation	)... Petitioner
v/s	
State Of Goa and another	)... Respondents

AFFIDAVIT IN SUPPORT OF THE APPLICATION

I, Dr Claude Alvares, Secretary, Petitioner organization abovenamed, r/o Parra, Goa, do hereby solemnly affirm and state as under:

1. I have filed a Miscellaneous Civil Application for additional directions in the above petition.

2. I say that what is stated in paras 1, 2 & 4 of the application are facts that are true to the best of my knowledge and paras 3, 5, 6-10 are in the nature of legal submissions.

Solemnly affirmed at Panaji
this the ____ day of March, 2008

Deponent

ANNEXURE A .8

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 334 OF 2006

GOA FOUNDATION THROUGH ITS SECRETARY DR. CLAUDE ALVARES, MAPUSA GOA. ....Petitioner

Versus

STATE OF GOA THROUGH ITS CHIEF SECRETARY AND 6 ORS., ...Respondents

Ms. Norma Alvares, Advocate for the Petitioner.
Mr. S. S. Kantak, AG with Ms. R. Chodankar, AGA for Respondent nos. 1, 2, 4, 5, 6 and 7.
Mr. E.P.Badri Narayanan, Central Government Counsel for Respondent no.3.

Coram:- J. N. PATEL &
N. A. BRITTO, JJ.

Date:- 21st November, 2006

P.C.

Heard.

Rule. There will be interim Order in terms of prayer Clause (d). Learned AG waives service for respondent nos. 1, 2, 4, 5, 6 and 7. Mr. Bhadri Narayan Central Government Counsel waives service for respondent no.3.

Parties are at liberty to move this Court as and when contingency arises so that appropriate orders/directions be issued. We expect the respondents to file their return on affidavit within a period of eight weeks so that the petition can be disposed of.

J. N. PATEL, J.

N. A. BRITTO, J.

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 334 OF 2006

GOA FOUNDATION THROUGH ITS SECRETARY DR. CLAUDE ALVARES, MAPUSA GOA. ...Petitioner

Versus

STATE OF GOA THROUGH ITS CHIEF SECRETARY AND 6 ORS., ...Respondents

Ms. Norma Alvares, Advocate for the Petitioner.
Mr. S. S. kantak, Advocate General with Ms. R. Chodankar, Additional Government Advocate for the Respondent Nos.1, 2, 4, 5, 6 and 7.
Mr. J. Vaz, Central Government Standing Counsel for the Respondent No.3.

Coram:- DR. S. RADHAKRISHNAN & N. A. BRITTO, JJ.

Date:- 17th October, 2006

P.C.:-

Heard the learned Counsel for the Petitioner and the learned Advocate General for the Respondent Nos.1, 2, 4, 5, 6 and 7. The learned Advocate General seeks a short adjournment to file an affidavit-in-reply. The matter is adjourned to 21st November, 2006. Pending further orders, there shall be an ad-interim relief in terms of prayer clause (d) which reads thus:

> "Pending final hearing of this petition for an order to Resp.Nos.6 and 7 not to issue Conversion Sanads for any private properties with tree cover without the approval of the Forest Department".

DR. S. RADHAKRISHNAN, J.

Annexure B

Report of a site visit to 12 iron ore mines in south Goa (Quepem/Sanguem talukas)

December 31, 2007.

On 31st December, 2007 a team comprising of the undersigned and concerned villagers from Quepem and Sanguem talukas visited several mines as many complaints had been received in respect of them. After we informed the Deputy Conservator of Forests (South), Mr Shetkar, RFO, Sanguem and Mr S.S. Phadte, RFO, Curdi, also joined the team.

We visited a total of 12 mines. The following report indicates that majority of the mines are violating the Forest Conservation Act, 1980. Several companies are operating without the required clearances in violation of the orders of the apex court.

This report is being submitted to the Forest Department, the Regional Controller of mines, the Goa Mines Department and the Pollution Control Board for immediate action. The report may be treated as a formal complaint from the Goa Foundation. If no action is taken by the respective authorities, the Foundation serves notice that it will inform the High Court of the state of affairs.

1) The first mine we visited bearing TC No. 1/51 (Deva Dongor) is run by one Mr. Shaikh Salim. On the Ministry of Environment website this mine is listed for Environment Clearance. Despite this, work was going on. When we entered the lease, the mine owner stopped the mining activities and promised not to engage in mining till he had the necessary clearances under the Forest Conservation Act and the Environment Protection Act. I contacted Mr. J.B. Bhingi, Director of Mines on the phone and explained the position and he informed me that he will be sending his officials immediately to the site. (Earlier I had already written to the Mining Department that the mine would open for

operations at any time and since they do not have the necessary clearances, the Mines Department should take necessary steps). However, as can be seen, the Mines Department is in collusion with the party since the mine was in full operation at the time of the visit. After we had left the site, we were informed that mining was resumed on the lease. It was stopped again, this time by the officers of the Mining Department. (As per information reaching the Goa Foundation, mining resumed on 1st January, 2008 with the full knowledge and support of the mining department.) Mining is being conducted in violation of the mining plan.

This kind of conduct is in absolute contempt of the Supreme Court's order in writ petition No.460/2004 and therefore the Goa Foundation has no recourse but to file contempt proceedings in the apex court.

2) Thereafter we visited the mine of Jairam G. Neogi (TC No. 59/51; Tembeche Dongor). The mine is operating at the point where 3 villages meet and the mining lease comprises Sy. No. 66 and 67 of Maina village, Sy. No. 168 of Revona village and Sy. No. 35 and 36 of Caurem. The manager produced Environment Clearance Certificate of October 2007 which clearly records that Forest Clearance is awaited. However, mining has started at the site without Forest Clearance and with full destruction of the trees on the lease. I spoke directly to Mr. Omkar Singh, CCF and explained the position to him and he issued the necessary instructions to the two RFOs (who were with the inspection team) that work will be halted at the site and all the equipment used in the operation would be seized by the government for violating FCA and the orders of the Supreme Court. Mining lease does not have FCA clearance for the government forest on site. However, the rest of the lease is private forest for which FCA clearance is also required. The mine manager, however, did not think so, till he was corrected by the officials from the Forest Department.

3) Thereafter we visited the mining lease of Vaikunt Kadnekar (TC No. 12/53; Bateagal). The lease is on Sy. No. 27/1 of Maina. The party

claimed he had Environment Clearance; however, copy was not available. There was forest on the lease and workers were found felling trees in the area. Since violation of the FCA and EPA, 1986, was involved, he was instructed to stop all work at the site by the Forest Officials and not to start any work till FCA and EC approval was obtained.

4) The 4th mine we visited apparently belongs to Anil Salgaoncar, MLA. There were no persons at the site and no workers except for two persons who had no details with them. The mining lease is also in Maina village. Since we could not locate the TC number, we were unable to trace whether the mine has forest and environment clearance. However extensive destruction of forest has already taken place. We were informed that the mine might resume operations on 1st January 2008.

5) The fifth mine we visited belonged to G.N. Agarwal (T.C. No.8/1952) also located at Maina village, Quepem. EC was granted to this project 22.12.2006. No forest clearance is available. Forest on private land within the lease has been destroyed. No clearance has been obtained.

6) We next visited the mining lease of Haider Kassim Khan (TC No. 10/51). The lease is in Caurem Pirla Panchayat, and no work was being carried out at the mine. We visited due to stay order by the Supreme Court dated 7/12/2007 in the matter of Temporary Working Permits. We noted that a huge area has been converted into a mining dump which is outside the lease area. The area was obviously forested as could be seen from the rest of the forest on the site. No FCA clearance was found for the diversion. Huge road through forest area has been created without approval under FCA, 1980. Project was granted EC on 15.2.2006. We were not able to establish whether the external dump is approved by the mining plan.

7) We visited TC No. 84/53 of Damodar Mangalji & Co. in Colomba village of Rivona Panchayat. This lease has not been in operation for more

than 10 years; despite this no rehab and reclamation work has been carried out. The most interesting part of this mining lease is the presence on it of a large number of prehistoric rock carvings on the River Kushavati bank. Boards announce this is a protected site. These rock carvings are more than 9000 years old and are a priceless heritage. They have been notified for protection by the Goa Government.

8) We visited the site of a proposed mining lease TC 80/59 (Careamol) belonging to Manganlal Jaisingh. The lease comprises of excellent agricultural farms. In fact, one of the farmers owning a farm on the lease has been declared the best horticulturist of the year by the Goa Agriculture Department in 2007. No mining has taken place on this lease. Public hearing has been conducted and the Environment Clearance was granted by the Ministry despite the fact that the lease is by the side of the Kushavati River on the basis of false information that the river is several kms away. The environment clearance in the meanwhile has been challenged before the National Environment Appellate Authority in Delhi. However the village people are determined not to allow any mining at the site or allow any destruction of their agricultural operations. The mine is located in Caurem-Pirla Village.

9) The team next visited the mining lease of Dempo (T.C. No.3/51) at Curpem at Vaddem Panchayat. No work was being carried out at the site as temporary working permit has been stayed by the Supreme Court on 7/12/2007.

10) We visited next the mines of Ms. G.F. Figueiredo (TC 65/51; Polo Dongor). Environment clearance was granted on 18.7.2007. Party informed us that no Forest Clearance was required as they were working on private land. As could be seen at the site, the mining lease contains good forest and the mining pit was obviously in the forest area for which no clearance has been obtained. It appears that some

permission has been given under the Trees Act, 1984, for felling of trees in the forest land. This is against government policy.

11) The second last mine we visited belongs to Hiralal Kodidas (TC No. 6/49; Gulcan Dongor). Environment clearance was granted on 12.3.2007; it indicates no forest is involved. However, there is a report of the Forest Department indicating that mining activities should be halted for violation of the Forest Conservation Act. Private forest in the area (Sy.No.57) has not only been identified by Sawant/Karapurkar Expert Committee, but also been demarcated on the ground. Party has used the forest area however for dumping in violation of the High Courts order dated 2.7.2003 in MCA No.350/2003 in WP No.286/2003. As per the records in Form III, the entire Sy No. of the plot is showing as forest. The continued operation of the mine is in violation of FCA.

12) The last visit was to the mining lease of Mazook Kadar (TC No. 18/56) at Colomba, Rivona Panchayat. Work has yet to start and the villagers are fiercely opposed to the mining project. The Rivona Panchayat has adopted a resolution of the Gram Sabha which has rejected permission for the mining operations on several grounds. It is doubtful if the mine could open under such circumstances even if it has environment clearance. The entire Sy. No. has degraded forest ~~clearance~~; however, there is no FCA clearance. The villagers were advised by the team to utilize the coming monsoons to reforest the entire area with the help of the Forest Department.

It is surprising to relate that in most of the leases visited, forest had been destroyed on the ground that it was private land. This could not have happened if the mining companies had filed the required application for conversion under the Land Revenue Code, which they have not done. If they had done so, the FD would have refused permission for conversion unless FCA clearance for the land in question had been obtained. Thus the High Court's order dated 21.11.2006 in writ petition No.334 of 2006 has been completely bypassed.

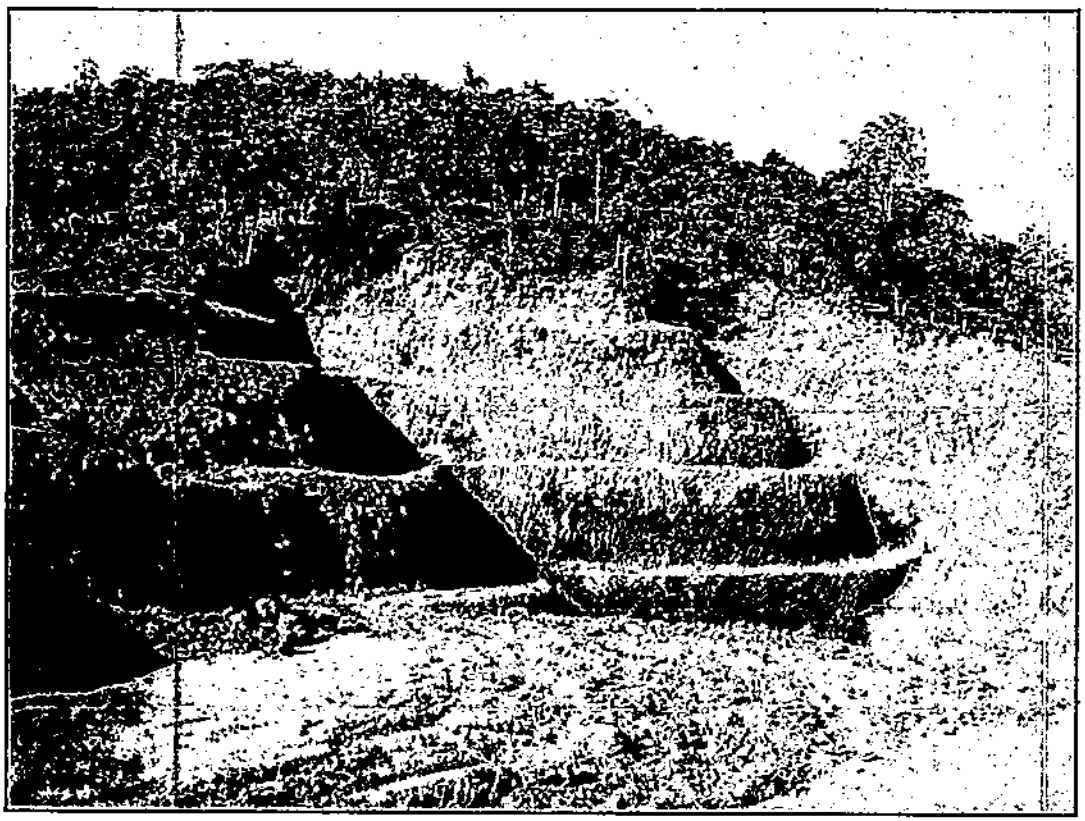
No NOC from Town Planning is available for any of the mines covered. Mining is being carried out in violation of the provisions of the Town and Country Planning Act, 1974.

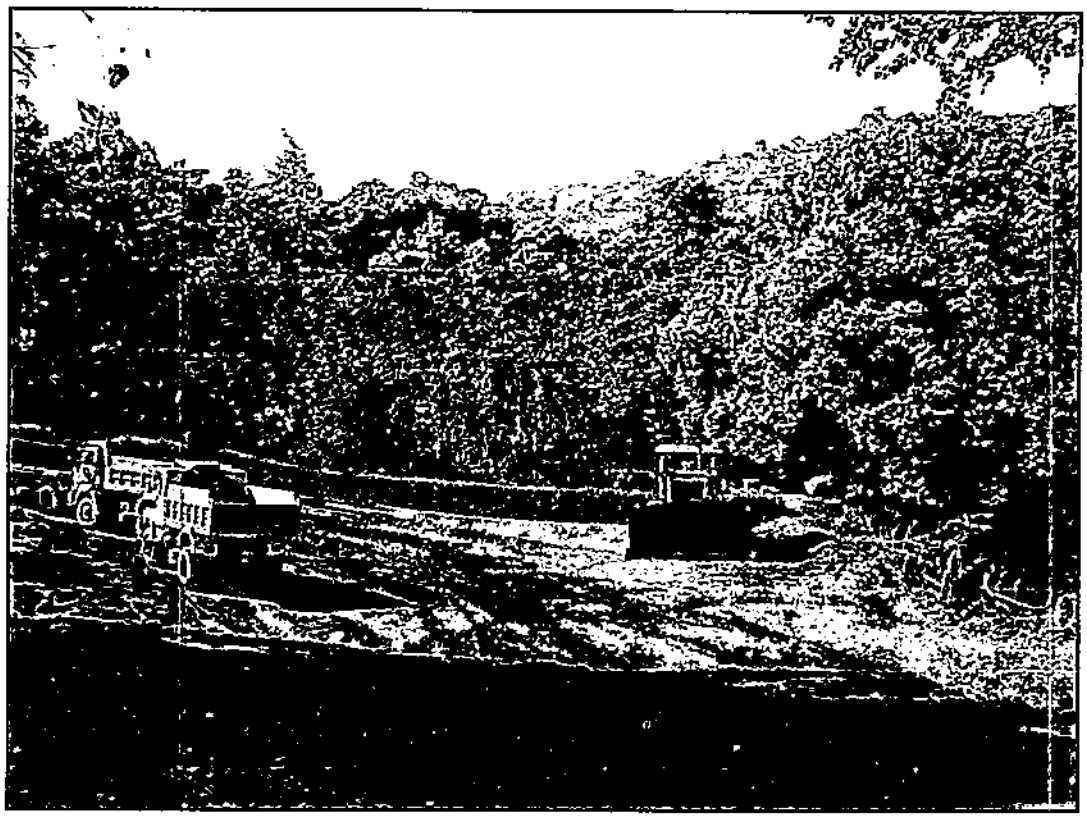
(Dr Claude Alvares)
Director/Goa Foundation

T H E G O A F O U N D A T I O N

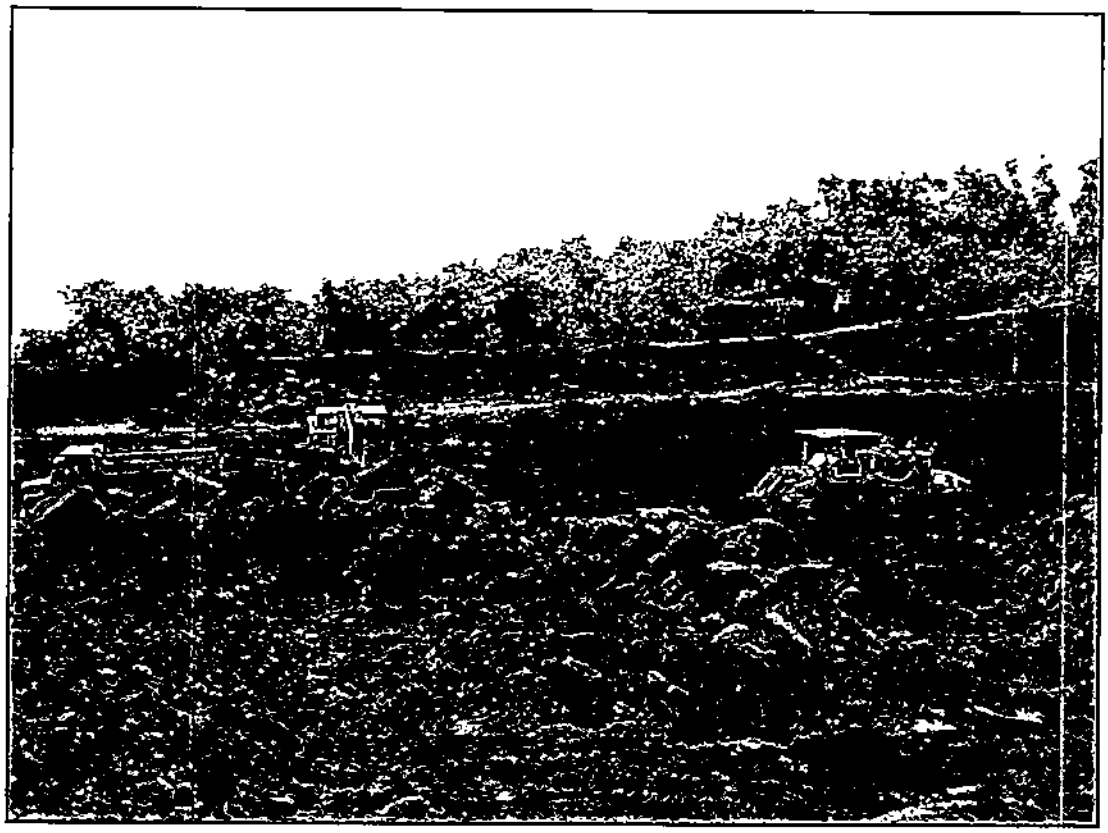
Pictures of visits to 12 mines on December 31, 2007

DESTRUCTION OF PRIVATE FORESTS: QUEPEM/SANGUEM

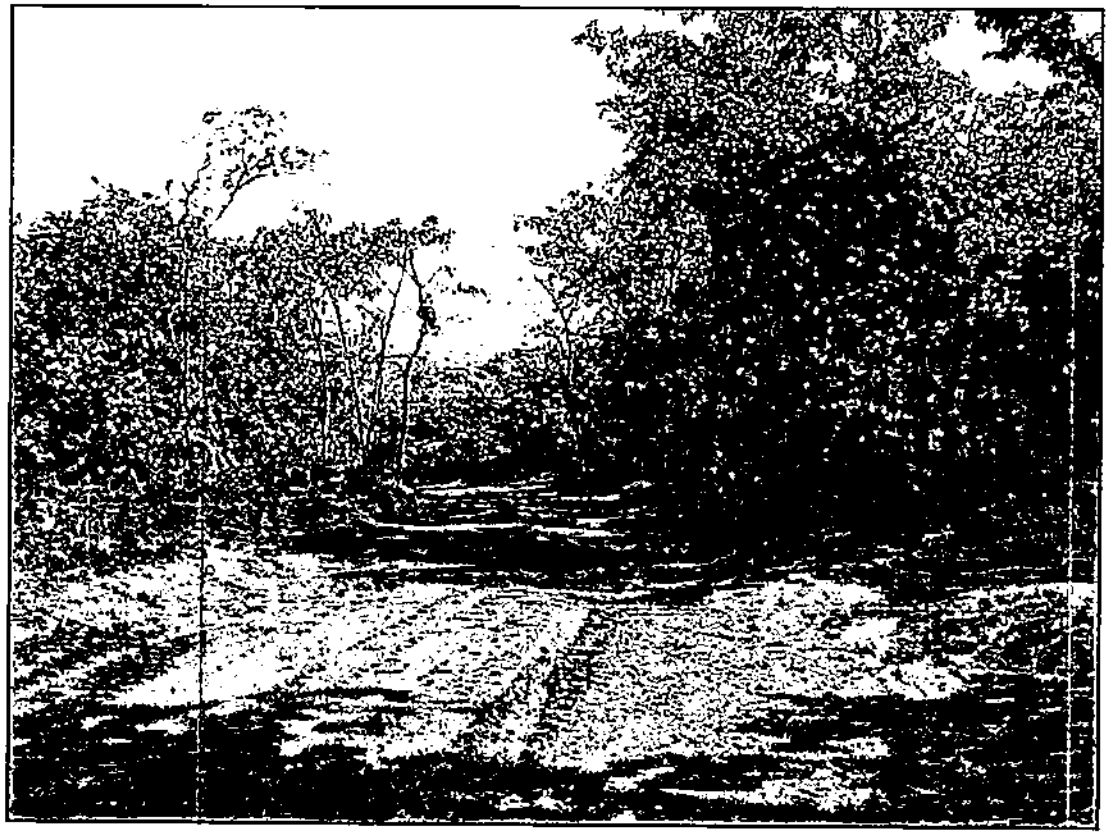




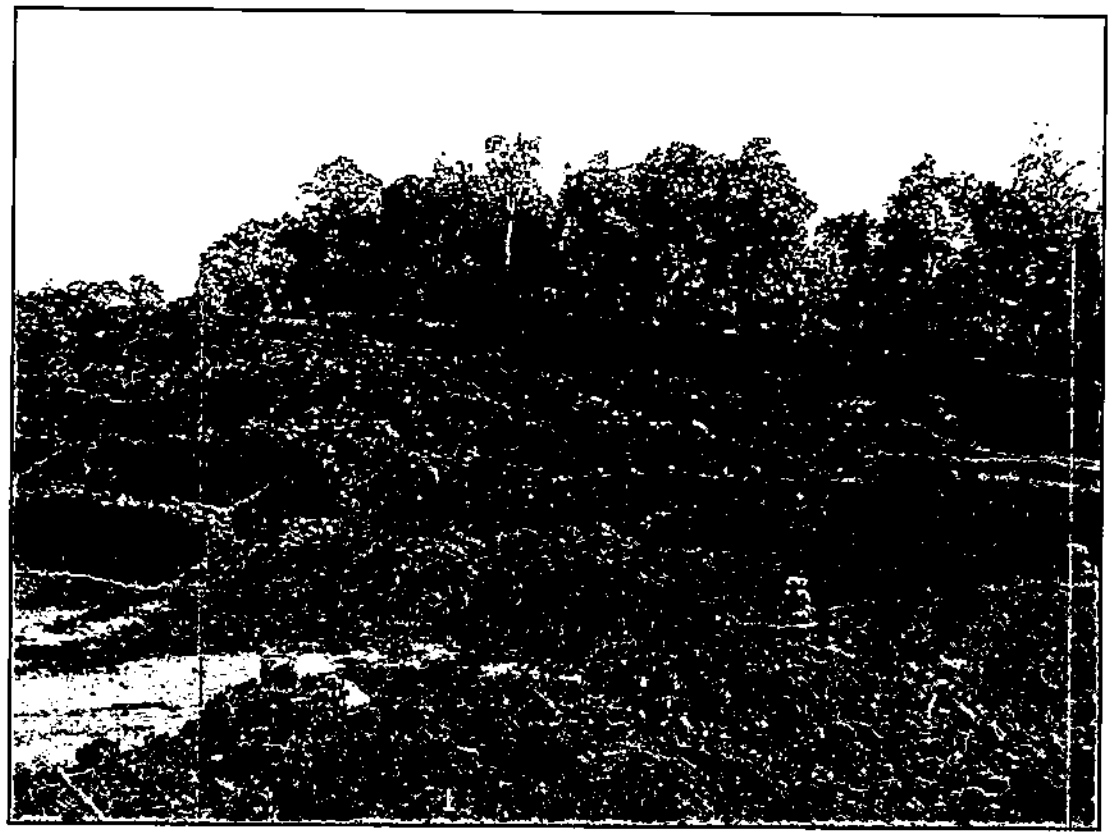
Illegal Mine of Shaikh Salim in forest area (TC No 1/51)



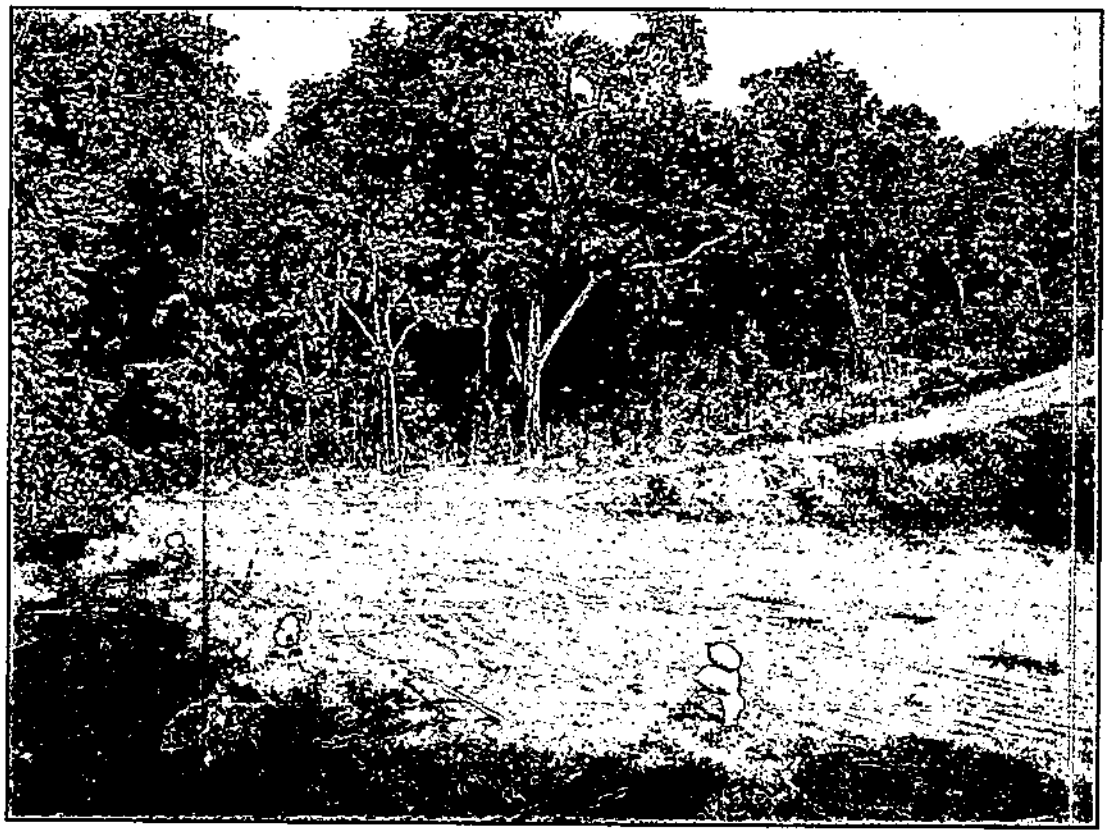
Mine of Jairam. G. Neogi operating without Forest Clearance (TC No 59/5)



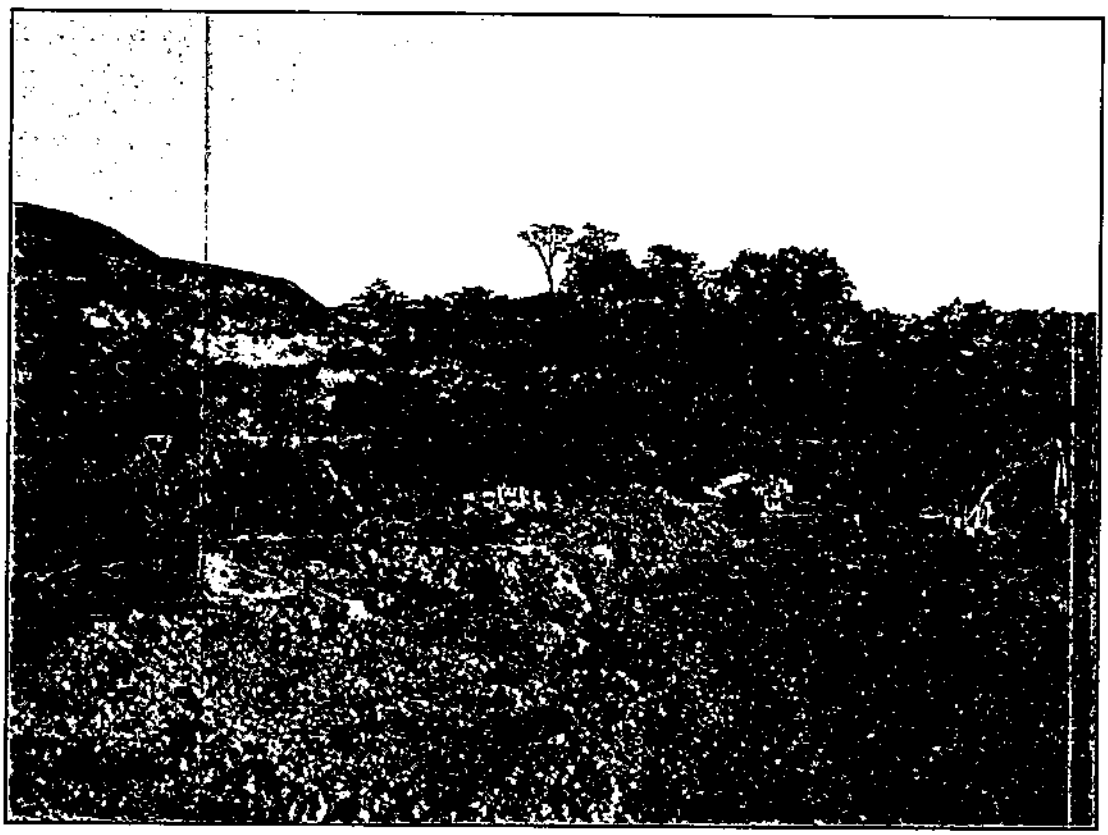
Mining road through forest area



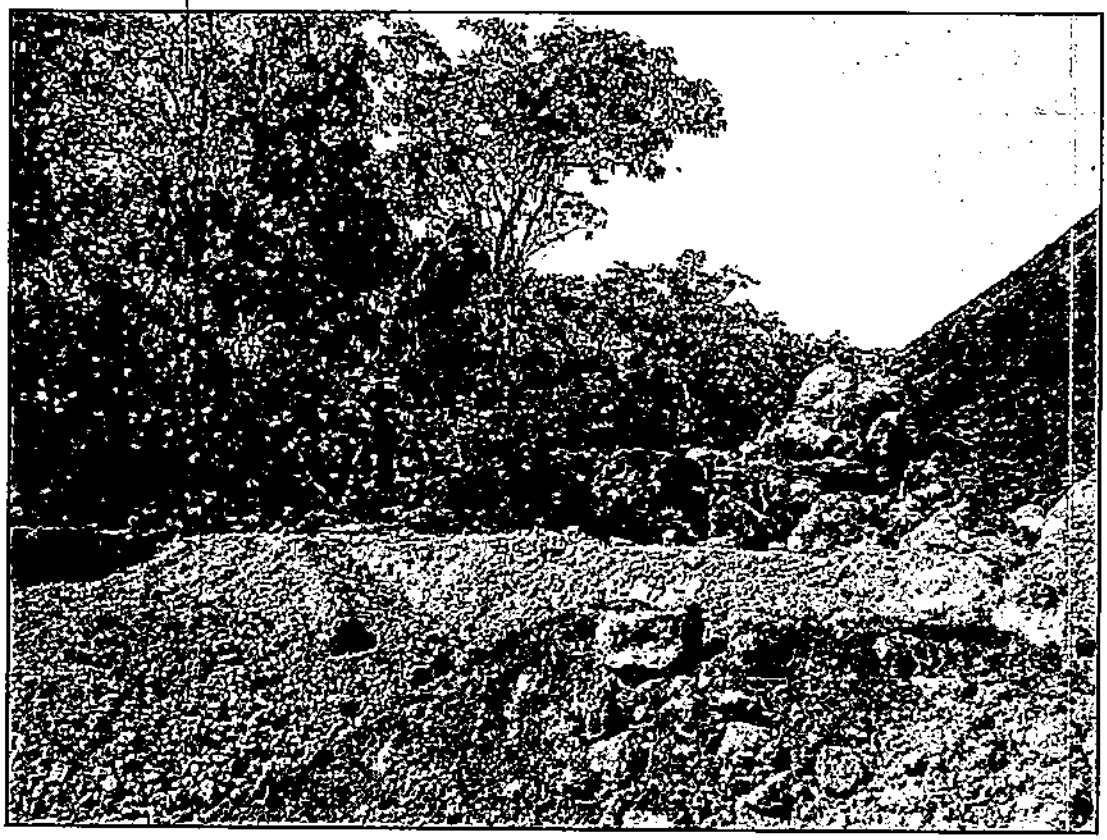
Mine of Haider Kassim Khan (TC 110 10/S:)



Mine of Haider Kassim Khan

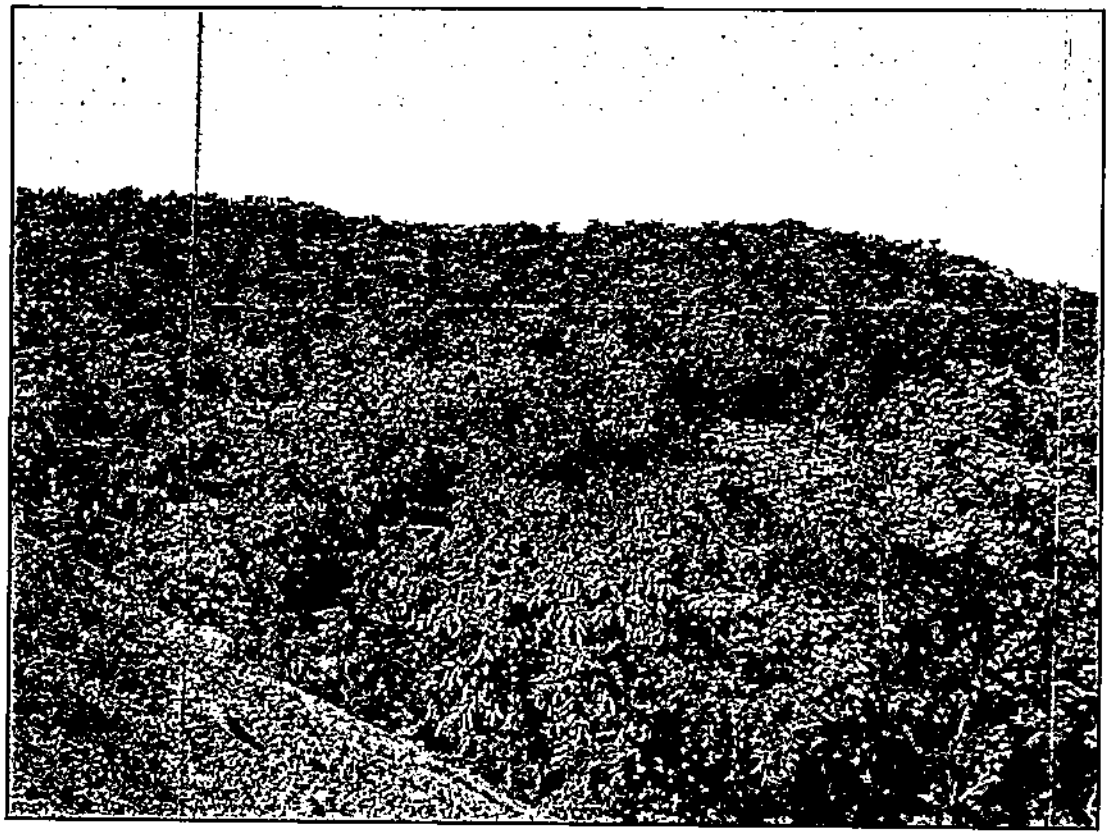


Mine of Hiralal Khodidas (TC No 6/49)

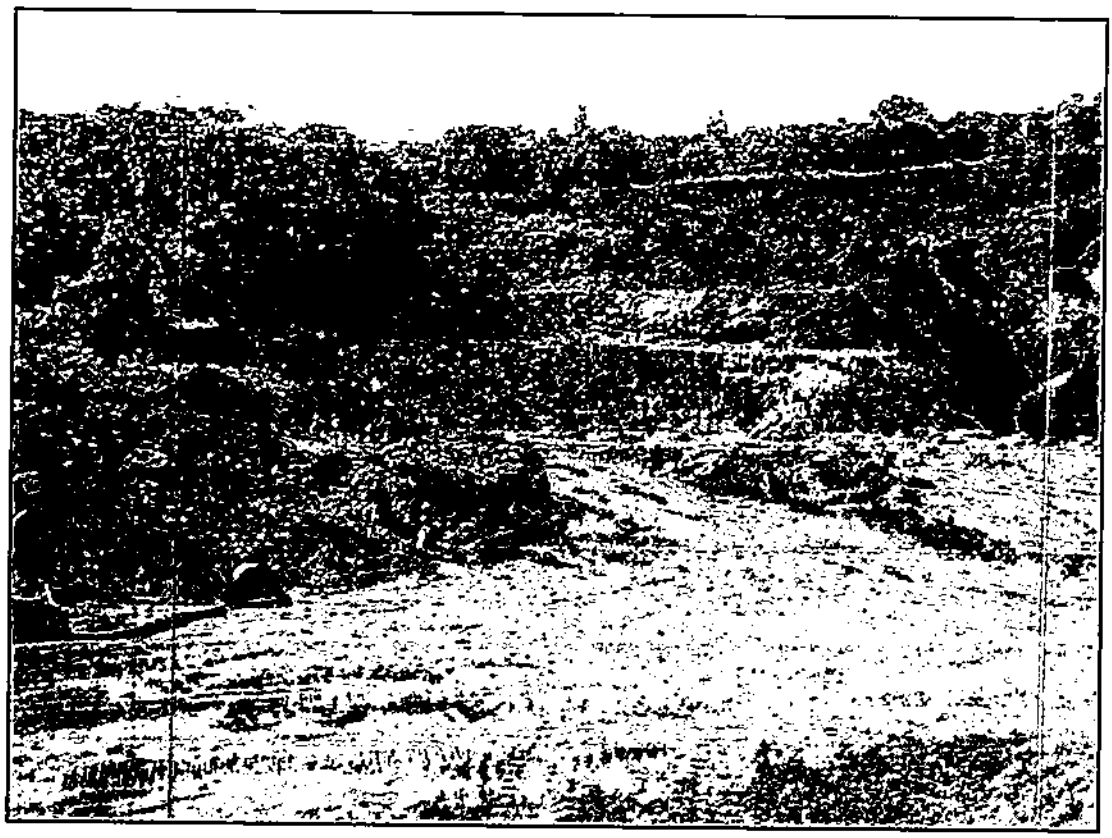


Mine of G. N. Agarwal (TC No. 8/12)

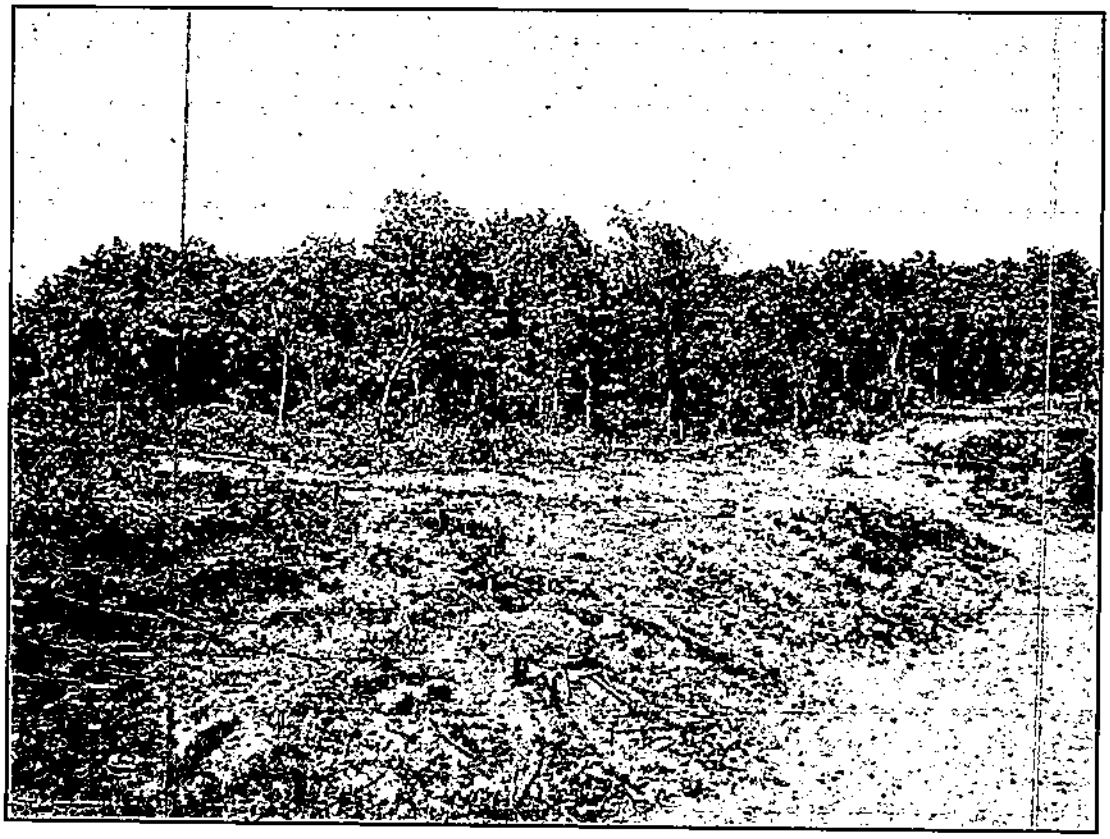
Mine of G.N. Agarwal



Mine of G.N. Agarwal

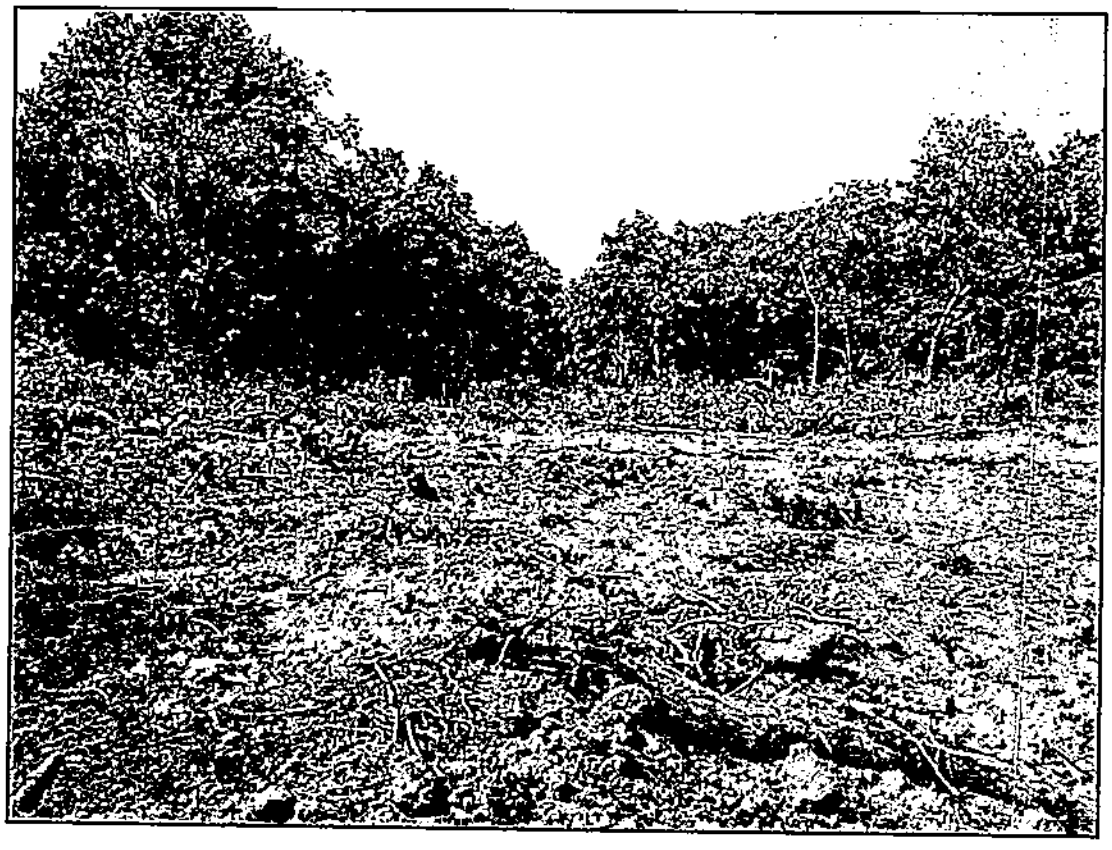


Unnamed Mining Site

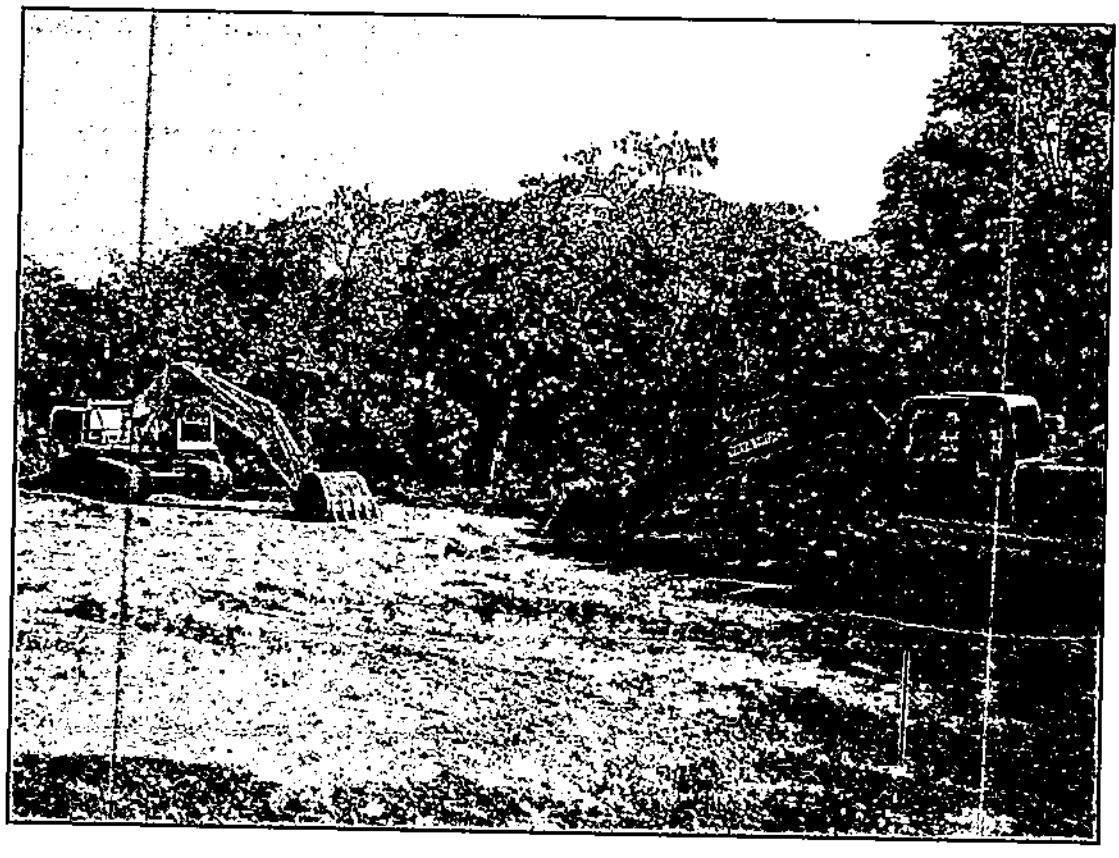


Unnamed mining site

Unnamed mining site



Development work commences in forest area on mining site



IN THE HIGH COURT OF BOMBAY AT PANAJI GOA

Misc. Civil Application No. 172/2008
In
Writ Petition No. 334/2006

Goa Foundation ... Petitioners

V/s

State of Goa and 6 ors. .... Respondents

REPORT

I, Shri C.A. Reddy, IFS, major of age, Indian National, Chief Conservator of Forest, Forest Department, Government of Goa, having my office at Panaji, Goa, do hereby on solemn affirmation state and submit as under: -

1. I say that in view of the Order dated 29/4/2008 passed by this Hon'ble Court in Misc. Civil Application No. 172/2008 in Writ Petition No. 334/2006 I am filing this Report before this Hon'ble Court. The following order was passed by this Hon'ble Court on 29/4/2008 in the above application:-

> "The learned Advocate General states that the forest identified by the Sawant and Karapurkar Committees and demarcated by the Forest Department shall be mapped on the plans of the mining leases in the state of Goa."

HIGH COURT OF BOMBAY AT GOA
PANAJI

2. I say that the Director of Mines and Geology has furnished a list of 108 mining leases operating in the State of Goa along with the details of the place of operation and the maps.

3. I say that based on the details furnished by the Mining Department, this Respondent has carried out the exercises of identifying the forest areas in the mining leases as per Sawant and Karapurkar committee report.

4. I say that Sawant and Karapurkar Committee Report cover parts of the following Mining Leases, the private forests in which have been located on ground and surveyed.

Sr. No	Name of the Mine owner	Lease No.	Village	Taluka	Private Forest iden- tified & surveyed
01	Sesa Goa Ltd.	19/49 03/54 09/49	Maulinguem	Bicholim	Survey No. 5
02	Hyder Kassim Khan	10/51	Sulcorna	Quepem	Sy. No. 17(part)
31	Dr.P.R. Hede	30/50	Collem	Sanguem	Sy. No. 36 (part)
35	Kunda Gharse	33/57	Tudou	Sanguem	Sy. No. 5 & 6 (part)
49	Aleixo Manuel Da Costa	5/53	Tudou/Patiem	Sanguem	Sy. No. 11 of Patiem
66	Rajaram Paiguinikar	8/50	Patiem	Sanguem	Sy. No. 11
80	X.A.X.A. Aziz	53/51	Curpem	Sanguem	Sy. No. 5 (part)
82	Quexeva Cundo	59/52	Colomba	Sanguem	Sy. No. 57
83	V.P.S. Sukerkar	1/42	Malaulim	Sattari	Sy. No. 54
90	Hiralal Kholidas	6/49	Colomba	Sanguem	Sy. Nos. 57 and 60A
99	Ajit Kadnekar	12/53	Maina	Quepem	Sy. No. 16

I say that what is stated by me in paras 1 to 4 of the above Report is as per the records available in the Office.

Solemnly affirmed at Panaji, Goa
On this ~~18th~~ 25th day of July, 2008

Deponent

Identified by me: -
Rhodankar
(~~Rakhi M~~ Chodankar)

Solemnly affirmed before me by Shri C.A. Reddy who is identified before me by Adv. Ms. Rakhi M. Chodankar whom I personally know.

Dated this 25th day of July 2008.

25/7/08

Section Officer
High Court of Bombay at Goa
Panaji (Goa)

BOMBAY AT GOA
PANAJI

IN THE HIGH COURT OF BOMBAY AT PANAJI – GOA

MCA No.172/2008
IN
Writ Petition No.334/2006.

Goa Foundation,
Mapusa – Goa ..... Applicant

V/S

State of Goa & 6 ors. .....Respondents

REPORT

I Dr. Shashi Kumar, IFS, major, age 50 years, Indian National, Chief Conservator of Forests, Government of Goa, Respondent No.2 in the above Writ Petition, having my office at Panaji – Goa, do hereby on solemn affirmation state and submit as under:-

1. I say that in compliance with the Order dated 04/08/2008 passed by the Hon'ble Court in the above matter I am filing this report before this Hon'ble Court.

2. I say that maps of the private forests identified and surveyed, are super imposed on the lease maps of following mining leases. These leases are having the private forest falling in them.

Sr. No	Name of the Mine Owner	Lease No.	Village	Taluka	Private forest identified & surveyed.
02	HYDER KASSIM KHAN	10/51	Sulcorna	Quepem	Sy.No 17 (part)
31	DR. P. R. HEDE	30/50	Collem	Sanguem	Sy.No.36 (part)
35	KUNDA GHARSE	33/57	Tudou	Sanguem	Sy.No.5 & 6 (part)
82	QUEXEVA CUNDO	59/52	Colomba	Sanguem	Sy.No.57
90	HIRALAL KHOLIDAS	6/49	Colomba	Sanguem	Sy.Nos. 57& 60A

- (Annexure – A)

HIGH COURT OF BOMBAY AT GOA
PANAJI

3. I say that as to the directions of this Hon'ble Court in para 2 of the above mentioned order dated 04/08/2008, no mining activities are going on in the identified private forest areas in the above mining leases.

Cont .2/-

4. I say that as to the following leases, on actual verification, no private forest has been found to be existing in the lease areas as reported by the Sawant and Karapurkar Committees:-

Sr. No	Name of the Mine Owner	Lease No.	Village	Taluka	Private forest identified & surveyed.
01	SESA GOA LTD.	19/49 03/54 09/49	Maulinguem	Bicholim	Survey no 5
49	ALEIXO MANUEL DA COSTA	5/53	Tudou/ Patiem	Sanguem	Sy.No 11of Patiem
66	RAJARAM PAIGUINIKAR	8/50	Patiem	Sanguem	Sy.No.11
80	X.A.X.A. AZIZ	53/51	Curpem	Sanguem	Sy.No.5 (part)
83	V.P.S. SUKERKAR	1/42	Malaulim	Sattari	Sy.No.54
99	AJIT KADNEKAR	12/53	Maina	Quepem	Sy No.16

I say that what is stated by me in the above paras is as per the records available in the office.

Solemnly affirmed at Panjim – Goa
On this 18th day of August 2008.

DEPONENT

Identified by me:-

Rakhi M. Chodankar

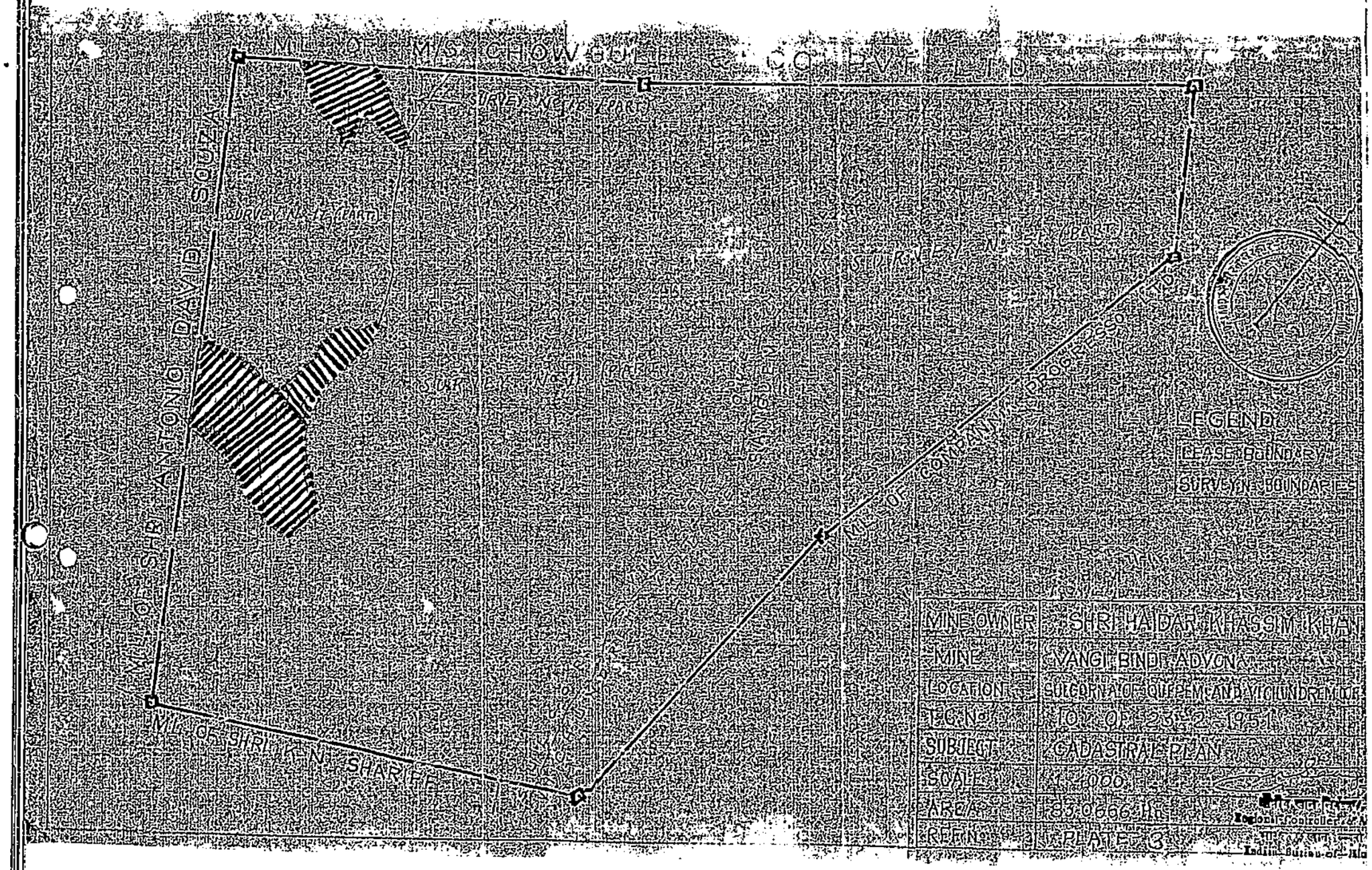
Solemnly affirmed before me by Dr. Shashi Kumar who is identified before me by Adv. Rakhi Chodankar whom I personally know.

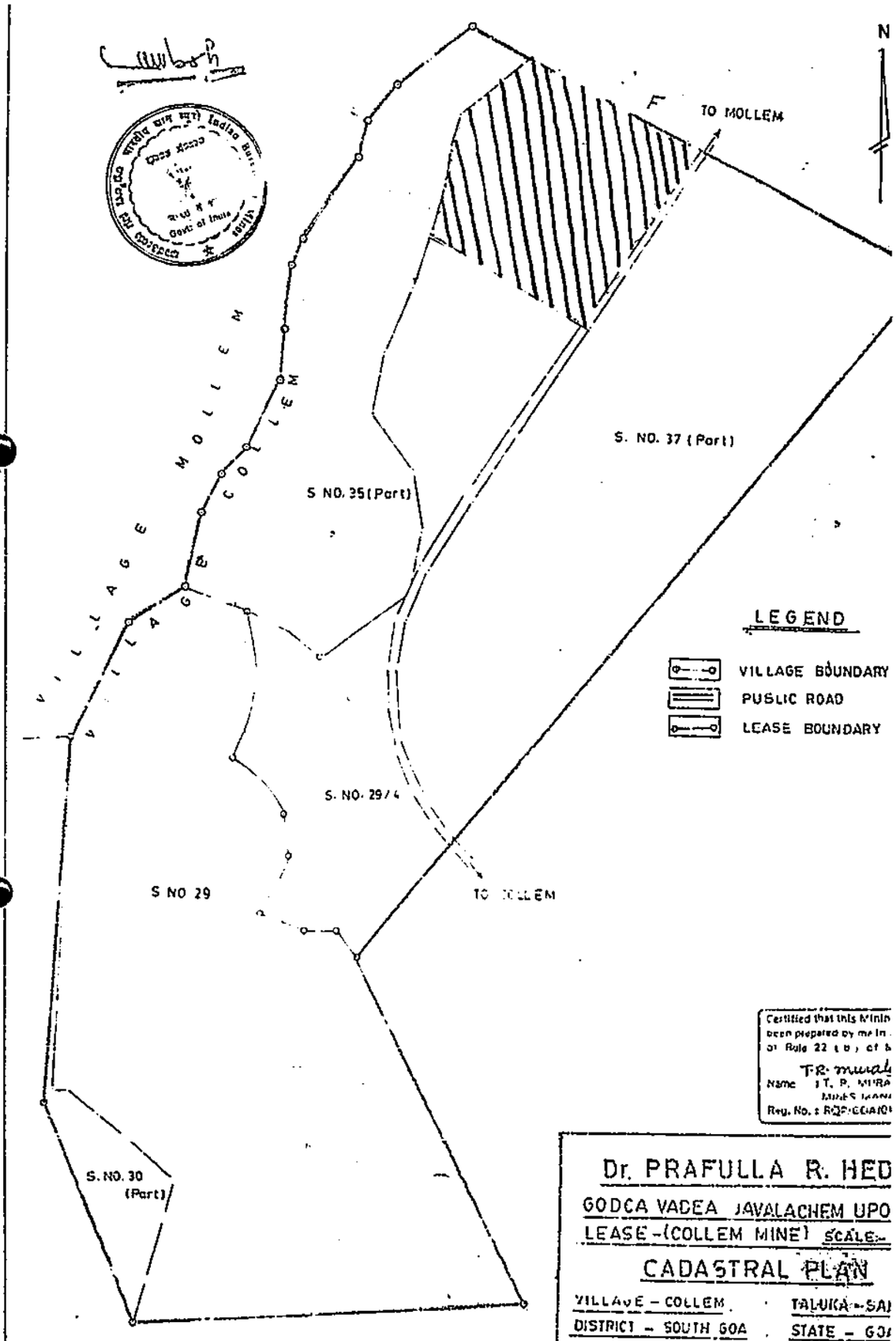
Dated this 20th day of August 2008.

Section Officer
High Court Bombay at Goa
Panaji (Goa)

BOMBAY AT GOA

10/51- Sulcorna


M/S. CHOWGULE & CO. PVT. LTD.
SURVEY NO. 1 (PART)
SURVEY NO. 1 (PART)
SURVEY NO. 1 (PART)



Certified that this Minin
been prepared by me in
of Rule 22 (b) of
T.R. mural
Name : T. R. MURA
MINES (CON
Reg. No. : RQP/GOA/0

Dr. PRAFULLA R. HED
GODCA VADEA JAVALACHEM UPO
LEASE-(COLLEM MINE) SCALE:-

CADASTRAL PLAN

VILLAGE - COLLEM. TALUKA - SA
DISTRICT - SOUTH GOA STATE - GO
T. C. NO 30 OF 1950 LEASE AREA

NOTE: TRACED FROM VILLAGE PLAN OF COLLEM VILLAGE.

33/57 Tudoy

RAGHUVIR [illegible] NAIK & BROS.

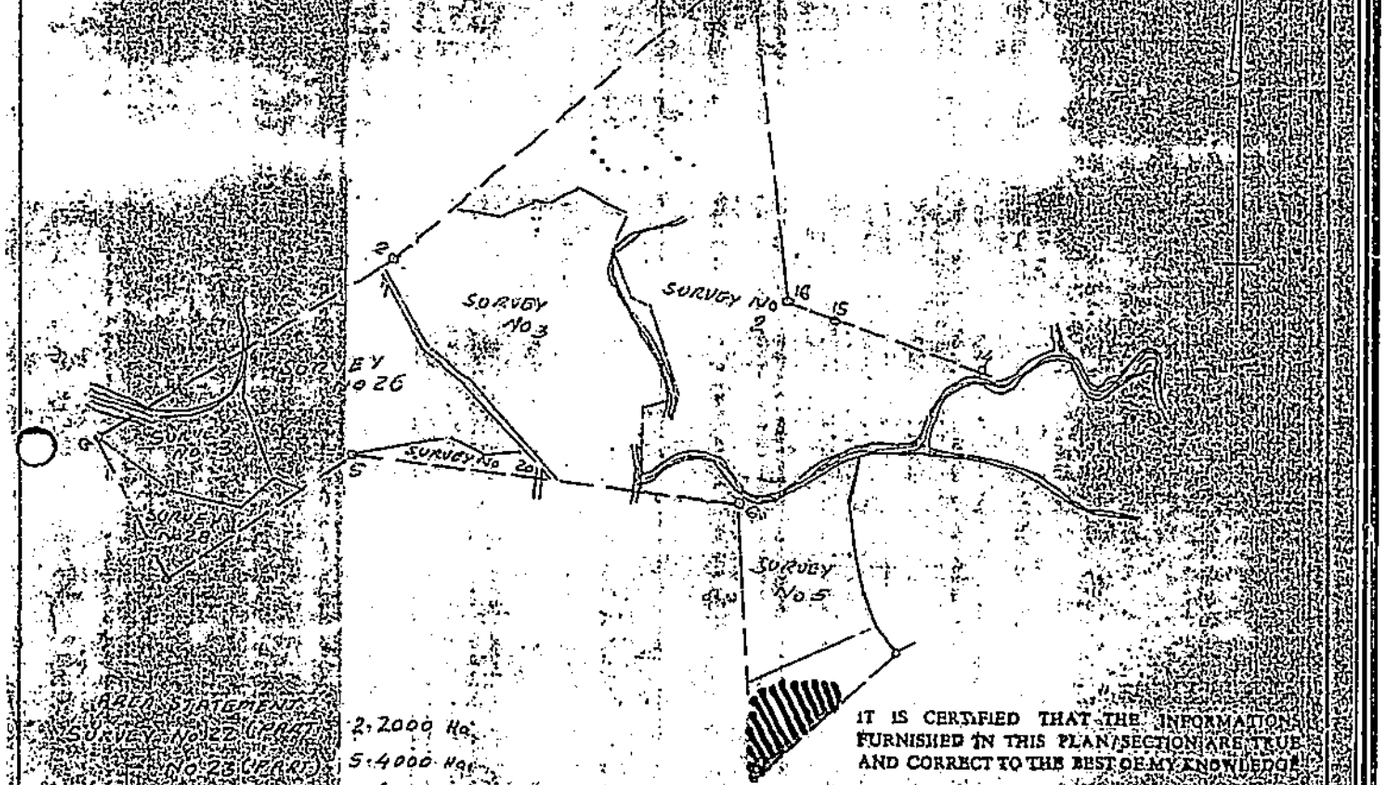
P.O. BOX NO. 204, MARGAO, GOA

SKETCH SHOWING THE AREA APPLIED FOR RENEWAL OF MINING LEASE FOR IRON ORE MINERAL

NAME AND DATE OF LEASE: [illegible] 1.2.57

TITLE NO. GOA/33/MI/57

SCALE 1" = 10,000'



AREA STATEMENT

SURVEY NO 22 (PART)	2.2000 Ha.	
NO 23 (PART)	5.4000 Ha.	
NO 26	9.6300 Ha.	PRIVATE
NO 2	34.3300 Ha.	AREA 77.9500 Ha
NO 3	17.1650 Ha.	
NO 5	5.6250 Ha.	
NO 6	2.8000 Ha.	
NO 20	0.8000 Ha.	
TOTAL AREA	77.95 HECT.	

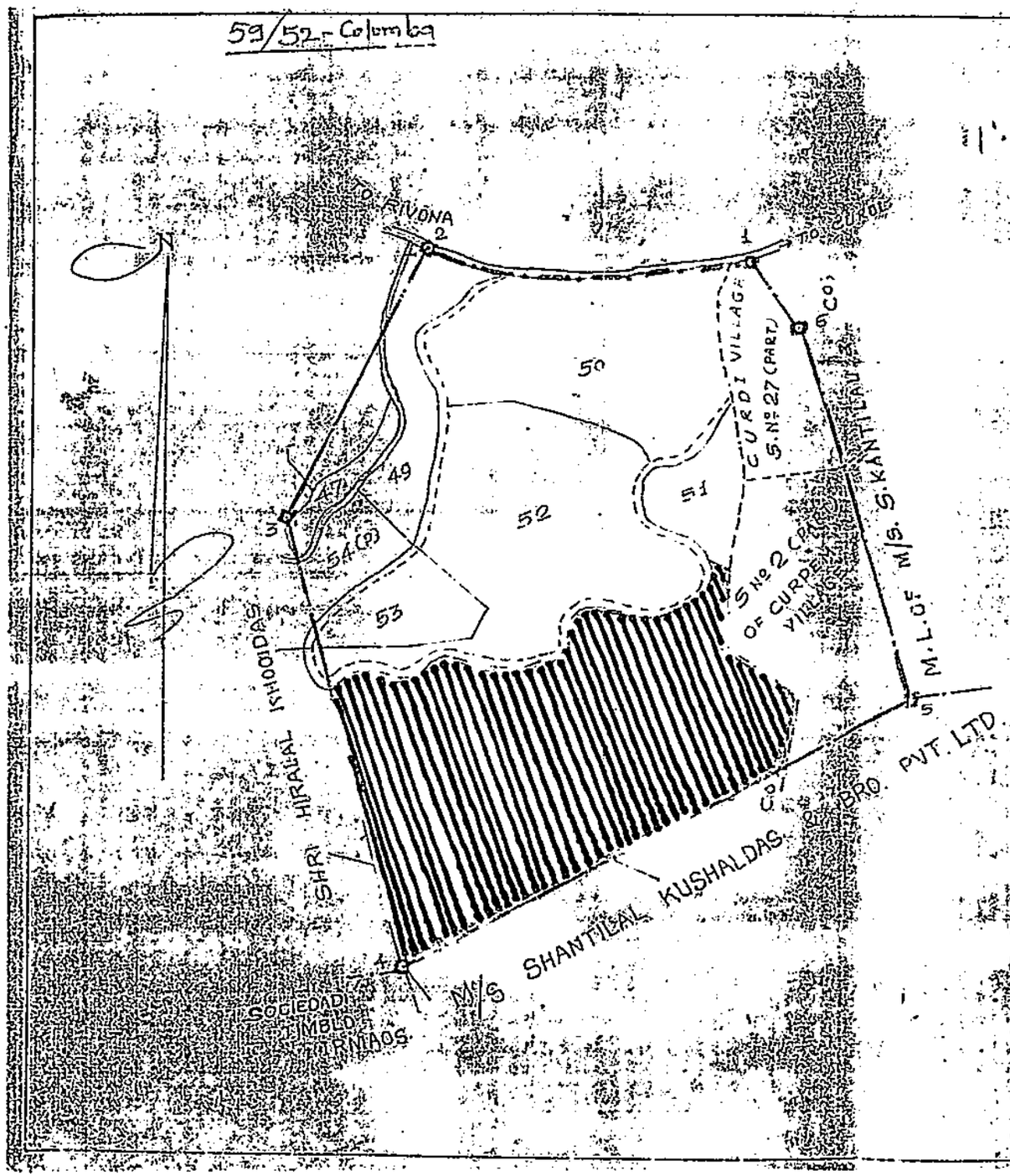
IT IS CERTIFIED THAT THE INFORMATION FURNISHED IN THIS PLAN/SECTION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE

1.6.

MANJUNATH K. BHAT
GEOLOGIST
BQP/GOA/095/94/A

PLATE NO. [illegible]

59/52 - Colomba



1:10,000

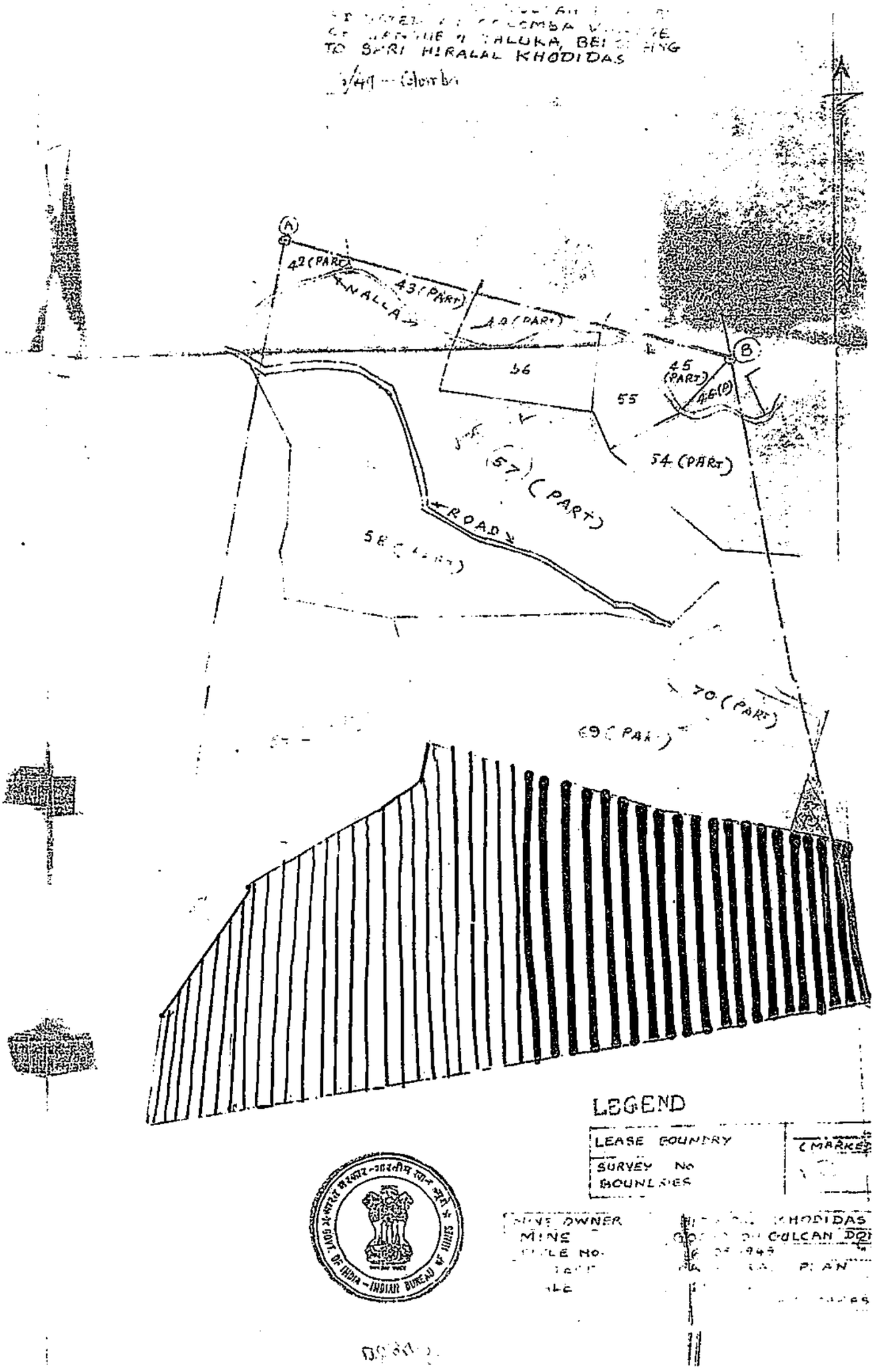
LEGEND

LEASE BOUNDARY	
SURVEY No. BOUNDARIES	
ROADS	
STRUCTURES	

A. V. S GHODE
EQP/GOA/057/87/A

MINE OWNER	QUEXOVA SINAI CUNDO
MINE	PATIAFALA
LOCATION	COLOMBA - SANGUEM
T.C No.	59 OF 18-7-1952
SUBJECT	CADASTRAL PLAN
SCALE	1:10000
AREA	97.5350 Ha.
REF No.	PLATE - 2.

Regional Controller of Mines
INDIAN BUREAU OF MINES
मडगाव-गोवा/MARGAO-GOA


A
B
42 (PART)
43 (PART)
NALLA
44 (PART)
56
55
45 (PART)
46(P)
54 (PART)
57 (PART)
ROAD
58 (PART)
70 (PART)
69 (PART)
LEGEND
LEASE BOUNDRY
SURVEY No
BOUNDRIES
MARKE
MINE
PLAN

Disposed on 15/6/2007

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,

GOA BENCH, AT PANAJI

Misc. Civil Application No. 923 /2008

in

Writ Petition No. 334 of 2008

The Goa Foundation)... Applicant /Petitioners

v/s

State of Goa & ors)... Respondents

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2.	Annexure A: Affidavit of Conservator of Forests dated 25.2.2008	11-16
3.	Annexure B: Letter of GF dated 30.10.2008	17-18

Panaji 12 December, 2008

Advocate for petitioner

Complete demarcation of forest in Goa.
(1) RP Goa
(2) Omkar < Oct/Nov. 2 yrs
(3) FSI.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,

GOA BENCH, AT PANAJI

Misc. Civil Application No. 923 /2008

in

Writ Petition No. 334 of 2008

Goa Foundation, a Society registered
underthe Societies Registration Act, 1960,
through its Secretary, Dr. Claude Alvares,
and having its registered office at Room
7, Above Mapusa Clinic, Mapusa, Goa)...Applicant/Petitioners

v/s.

1. State of Goa through)
its Chief Secretary)
Government of Goa,)
Secretariat, Porvorim, Goa.)

2. The Chief Conservator of Forest,)
Forest Department,)
Gomantak Maratha Mandir,)
Panaji , Goa.)

3. The Secretary,)
Ministry of Environment and Forests,)
Paryavaran Bhavan,)
C.G.O Complex, Lodi Road,)
New-Delhi 110 003)

4. The Tree Officer,)
Office of the DCF, North Goa,)
Ponda, Goa.)

5. The Tree Officer,)
Office of the DCF, South Goa,)
Margao, Goa.)

6. The Collector, North Goa)
North Goa Collectorate,)
Panaji, Goa.)

7. The Collector, South Goa)
South Goa Collectorate,)
Margao, Goa.)

8. Director of Mines & Geology,)
Udyog Bhavan, Panaji, Goa)...Respondents

APPLICATION FOR DIRECTIONS

1. The above writ petition has been filed for completion of the exercise of demarcation of the private forest areas in the State of Goa in pursuance of directions issued by the Supreme Court of India in its order dated 12.12.1996 in the Godavarman forest case. The petition is admitted and pending final hearing.

2. In October 2007 the petitioner filed MCA No 815/2007 praying that the identification of balance private forests be completed expeditiously. The Chief Conservator of Forests had filed an affidavit in February 2008, copy of which is annexed hereto as ***Exhibit A***, clearly informing this Hon'ble Court that the work of identification of balance private forest would be undertaken after the rainy season and would commence in the month of October / November 2008 and that minimum two years would be required for this task. Repeated enquiries with the Forest

Department, however, indicate that no steps have been taken in this connection.

3. The Government of Goa has set up a Task Force to prepare the Regional Plan 2021 for the State of Goa. The said Task Force has been handicapped by the fact that considerable areas under forest are yet to be identified in terms of the order of the Supreme Court dated 12/12/1996. In September 2008, the Task Force submitted its Draft Regional Plan 2021 to the government in which it has recommended as follows regarding the demarcation of private forest areas:

> "1.1.7. RPG 2001 had indicated the areas under natural cover, pasture and dry cultivable lands. Natural cover included slopes greater than 33% and forest cover in private lands. The Government has an ongoing exercise of mapping private forest. Data pertaining to private forest indicated by the TF is the data furnished by the Forest Dept. of mapping completed till date. Once the survey is complete and the Government finalizes the area under private forest, the same shall be included as part of RPG-21. The TF strongly recommends that the Govt. fast track this exercise and make the data available in 90 days so that it is incorporated in the final RPG-21."

4. Pursuant to the submission of the Draft Regional Plan document – which was subsequently approved by the Town and Country Planning Board – the applicants have addressed a letter to the Chief Conservator of Forests on 30.10.2008 bringing to his notice the affidavit filed by his predecessor for completion of the survey of balance private forests and also the observations of the Task Force in respect of urgency for completion of this exercise. Copy of the said letter is hereto annexed to this affidavit as ***Annexure B***.

5. It appears that the Government of Goa is not very keen to continue the exercise of the demarcation of private forests in the State despite its assurances before this Hon'ble Court. The Government has indicated that the work in any case will take at least two additional years.

6. The applicants are therefore approaching this Court for an alternative agency that can complete the demarcation of the private forest areas of the State. In this connection, applicants have studied the website of the Forest Survey of India (FSI) which is a Central Government Organization, concerned with the mapping of forests in the country. As per the information provided by the FSI, it assesses the forest cover of the country on a two-year cycle using satellite data. The main objective is

presentation of the information on forest resources of the country at state and district level and to prepare forest cover maps on 1:50,000 scale. First assessment of forest cover of the country was made in 1987 and thereafter eight more assessments have been made. District wise information on forest cover has been made available from the third assessment (i.e. from 1991) onwards.

7. According to the FSI, till the fourth assessment, interpretation of data for the entire country had been done visually. During fifth and sixth assessment, interpretation of data for Madhya Pradesh and Maharashtra which comprises 28% forest cover of the country had been done digitally and for rest of the States/UTs, it had been done visually. In seventh assessment interpretation has been done digitally for thirteen states namely; Andhra Pradesh, Arunachal Pradesh, Assam, Delhi (UT), Himachal Pradesh, Madhya Pradesh, Maharashtra, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim and Tripura, which comprises 63% of the forest cover of the country. By eighth assessment the entire country is to be covered by digital assessment. Goa is included in the eighth assessment.

8. In the circumstances, and as the Forest Department of Goa appears either unable or unwilling to demarcate the

private forest remaining in the State of Goa, the applicant is seeking directions to the Director General, FSI to complete the identification of forest areas of Goa on a priority basis so that the work is completed within the time limit recommended by the Task Force on Regional Plan 2021. Applicant states that with the information and obvious competence already available with the FSI, the work of identification could be completed before March 31st, 2009 by which date the Regional Plan for Goa is expected to be finalized, approved and notified.

9. The applicant submits that it would not be proper for the Goa Government to notify the Regional Plan in the absence of a complete survey of all the survey numbers in the State and their present land use as this would be in contravention of the orders of the Supreme Court and the provisions of the Forest Conservation Act, 1980. Areas that have forest standing on them or which are degraded forest must be shown as forest in the statutory Regional Plan. To do the contrary would be to violate the provisions of the FCA, 1980.

10. Applicant states that while this identification of private forests is being done, revenue lands in Goa having forest on them also ought to come within the purview of the exercise. Applicant states that at the present moment,

Government forest, plus 67 sq. km. of private forests have been identified. However, revenue lands have not been surveyed for the purpose of identification as forests. Applicant states that earlier the Form III that provided a description of the land in the land revenue records, had a specific entry that indicated whether a land was forest or not. However, the new Form I and XIV does not have such an entry and no land is shown as forest anywhere. All revenue lands ought to indicate whether they are forest or some other category.

11. If the FSI conducts its survey of identification, in addition to the Government forests and private forests, revenue lands that have forests will also be covered in the exercise in a speedy manner, bringing to completion and finality the total identification of forests in the State.

12. In the circumstances, the applicant is approaching this Hon'ble Court for a direction to the FSI to submit to this court a scheme for urgent and time-bound identification of the private forests in the State. As the FSI is not a respondent in this writ petition this Hon'ble Court may grant leave to the petitioner to join the FSI as respondent in these proceedings.

13. The matter of identification is extremely urgent in so far as the Regional Plan for Goa is at the moment under

modification and correction from the local authorities and through public participation. Applicant has already indicated in the petition and several times before this Hon'ble Court that in the absence of identification of forest lands, they are being either destroyed or allowed for development.

14. Hence, the applicant is approaching this Hon'ble Court for the following directions:

a) For an order permitting the applicant to make the Forest Survey of India a formal party respondent in the petition;

b) For a direction to the Director-General, FSI, to submit to this Court, a scheme for urgent and time-bound identification of the balance forests in the State.

c) For any other relief this court may be pleased to grant.

December 10 2008 Advocate for Applicant

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,

GOA BENCH, AT PANAJI

Misc. Civil Application No. /2008

in

Writ Petition No. 334 of 2008

The Goa Foundation)... Applicant /Petitioners

v/s

State of Goa & ors)... Respondents

AFFIDAVIT IN SUPPORT OF THE APPLICATION

I, Dr Claude Alvares, Indian national, age 60 years, residing at Parra, authorised representative of the Petitioner No.1 abovenamed, solemnly state on oath as under

1. I am filing this affidavit to verify that the contents of the Miscellaneous Civil Application filed by my organisation.

2. I do hereby solemnly declare and say that what has been stated in paragraphs 1-4, 6(part), 7(part) are true to the best of my knowledge and what is stated in the remaining paragraphs, namely, 5, 6(part), 7(part), 8-14 are in the nature of legal

submissions and/or inferences of facts, which I believe to be true.

Solemnly affirmed at Panaji

this the ____ day of December 2008 Deponent

Ann. A 41

IN THE HIGH COURT OF BOMBAY AT PANAJI GOA

Misc. Civil Application No. 815/2007
In
Writ Petition No. 334/2006

Goa Foundation through its Secretary
Dr. Claude Alvares, Mapusa Goa. ... Petitioners

V/s

State of Goa Through its Chief Secretary
And 6 ors. .... Respondents

AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT NO. 2

I, Shri Omkar Singh, IFS, Chief Conservator of Forest, major of age, Indian National, having office at Panaji-Goa, do hereby on solemn affirmation state and submit as under:

1. Petitioner seeks direction to the State Government to complete the process of identification of private forests in the State within a time bound period in terms of Order of the Supreme Court dated 12/12/1996 in Writ Petition (Civil) No. 202 of 1995 (T.N Godavarman Thirumukpad V/s Union of India and Ors.) Petitioner also seeks a further direction to complete the process of identifying degraded forests in the State.

HIGH COURT OF BOMBAY AT GOA PANAJI

2. This reply is limited to answer the aforesaid prayer of the Petitioner. All the averments in the petition are hence not being dealt with, except in brief wherever found necessary.

3. In the case of Godavarman, by Order dated 12/12/1996, the Hon'ble Supreme Court directed each State Government to constitute an expert Committee to: -

"a) Identify areas which are "forests", irrespective of whether they are so notified, recognized or classified under any law, and irrespective or the ownership of the land of such forest;

b) Identify areas which were earlier forests but stand degraded, denuded or cleared; and

c) Identify areas covered by plantation trees belonging to the Government and those belonging to private persons."

4. By order dated 24/1/1997, the State Government constituted an expert committee under the Chairmanship of S. M Sawant for identification of forests in the State. So far as Government forest lands, the same were considered to include all forests recorded by State Forest Department as Government forest lands as also the disputed forest lands i. e. Government forest which may or may not have been included in the working plan records of the Forest Department but which are in ownership disputes in various Courts.

This petition does not relate to Government forests but seeks identification of private forests.

5. For identification of private forest, the Sawant Committee considered the following criteria;

a) 75% of the crop composition of such lands should be of forest species and

b) The area should be either contiguous to Government forest lands or if in isolation the minimum area so identified should be 5 hactares. In case of mangroves areas less than 5 ha. also shall be considered as forests whether or not in contiguity to Government forest lands or not.

6. The Sawant Committee identified 48.67 sq. kms. of land as forest. The details of such lands were submitted in the report.

7. Since the Sawant Committee executed part of the work of identification of forests, the Government by order dated 4/9/2000, constituted another expert committee under the Chairmanship of Dr Hemant Karapurkar, hereinafter referred to as the Karapurkar Committee, to demarcate and delimit and/or otherwise suggest measures by proper land survey all those private properties having natural forests standing thereon. The criteria for identification of forest lands were given as follows;

a) 75% of the composition should be forested species.

b) The area should be contiguous to Government forest and if in isolation should be more than 5 ha.

c) Canopy density should not be less than 0.4.

8. The Karapurkar Committee supplemented the work of the Sawant Committee. The Committee submited its report on 16/2/2002. The Karapurkar Committee identified 20.18 sq. kms. of land as forest land, details of which have been given in its report.

9. In M.C.A No. 350/2003 in Writ Petition No. 286/2003 this Hon'ble Court by Order dated 02/07/2003 directed the State Government to demarcate the non-forest areas from the forest areas based on the Sawant Committee and Karapurkar Committee reports and submit the same to this Court within 6 months from the date of order. Subsequently the time was extended by a further period of 2 years by Order dated 25/2/2004 passed in M.C.A. No. 12/2004. By another Order dated 03/07/2006 this Hon'ble Court has been pleased to further extend the time by a period of 18 months. By the said Order, the Government was directed to place before the Hon'ble Court the progress report after every 3 months. The Government has been accordingly filing the progress reports as directed. The last of such progress report has been filed on 07/01/2008. The progress report also indicates that till date about 85.35% of work of demarcating of forest lands has been completed.

10. By order dated 23/1/2008 passed in M.C.A No. 94/2008, this Hon'ble Court has been pleased to extend the time further till June 2008.

11. I say that presently the work of demarcating the lands already identified by Karapurkar and Sawant Committee's and separating the forest areas from the non-forest areas is presently in progress for which time has been extended by this Hon'ble Court up to June 2008.

12. I say that once this exercise is completed, the work of identification of remaining private forest areas would be undertaken. I say that various Departments are involved in carrying out this work and it is expected that a minimum period of 2 years will be required for completing the task. I further say that such work can be undertaken only after the rainy season of 2008 and can commence some time in October/November 2008.

13. As regards the incidents cited by the Petitioner in M.C.A NO. 815 of 30/12/2006 in Pilerne Village and 27/1/2007 in Bainguinim Village, the Forest Department has already taken action and booked the offences.

14. I therefore submit that since rule is already issued in the petition, the petition could be placed for further Orders/ Directions in the month of July 2008 as by that time, the

progress /completion of the work presently in progress would be known.

I say what is stated by me in paras 1-13 of the above Reply are as per the records available in the Office and what is stated in the remaining paragraphs are in the nature of legal submission.

Solemnly affirmed at Panaji, Goa
On this 25th day of February 2008

(DEPONENT)

Identified by me: -

(Rakni M Chodankar)

Solemnly affirmed before me by Mr. Onkar Singh who is identified by Adv. Ms. Rakhi Chodankar personally known.
Dated this 26th day of February 08.

High Court
Panaji Goa

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The Goa Foundation

G-8, St Britto's Apartments,
Feira Alta, Mapusa 403 507 Goa
Phones: 0832-2263305; 2256479
www.goafoundation.org
email: goafoundation@gmail.com
30th October, 2008

To,
The Chief Conservator of Forests,
Forest Department,
Panaji, Goa.

Subj: *Resumption of work of identification of balance private forests in Goa*

Dear Sir,

The issue of identification of the balance private forest areas of Goa is presently before the High Court. In MCA No.815/2007, the then CCF had filed an affidavit informing the High Court that the identification would commence from the month of October 2008. (Copy of the affidavit is enclosed.)

In addition, I would like to draw your attention to the observations of the Task Force on the Regional Plan (headed by the Chief Minister) in its draft Regional Plan 2021 document in respect of this issue which are at para 1.1.7:

> "1.1.7. RPG 2001 had indicated the areas under natural cover, pasture and dry cultivable lands. Natural cover included slopes greater than 33% and forest cover in private lands. The Government has an ongoing exercise of mapping private forest. Data pertaining to private forest indicated by the TF is the data furnished by the Forest Dept. of mapping completed till date. Once the survey is complete and the Government finalizes the area under private forest, the same shall be included as part of RPG-21. The TF strongly recommends that the Govt. fast track this exercise and make the data available in 90 days so that it is incorporated in the final RPG-21."

In view of the above it is urgent and necessary that the identification be started as soon as possible.

We would like to hear from you in the matter. We have already appointed forest guardians for several villages and they are ready to assist your officers in the work of identification.

Thanking you,

Yours sincerely,

Dr. Claude Alvares
DIRECTOR

Encl: Copy of affidavit

भारतीय वन सर्वेक्षण FOREST SURVEY OF INDIA

पर्यावरण एवं वन मंत्रालय
Ministry of Environment & Forests
कौलागढ़ मार्ग, पोआ०—आईपीई०,
Kaulagarh Road, P.O. - I.P.E.,
देहरादून – 248 195
Dehradun - 248 195

No.DG(FSI)-Misc./2009

Dated Feb., 16, 2009

To

The Registrar,
Bombay High Court at Goa
Panaji (Goa)

Ref: MISC. APPLICATION NO. 923 OF 2008 IN WRIT PETITION NO. 334 of 2006

Sub:- Identification and demarcation of the private forests in the State of Goa

Sir,

The report of the Forest Survey of India on the above subject as desired by the Hon'ble High Court is enclosed herewith. It is requested that the report may please be placed before the Hon'ble Court

Yours faithfully,

(Subhash Ashutosh)
Joint Director (NFDMC)

Received by
17/2/09 11.55 am.

Copy to:

1. Mr. J.Vaz, Central Govt. Standing Council.
2. Secretary, Ministry of Environment & Forests, Paryavaran Bhawan, New Delhi

(Subhash Ashutosh)
Joint Director (NFDMC)

N.C. Advn to proceed after the accompaniment of Advn Vaz to obtain acknowledgment of the accompaniments and copy of.

17/2/09

7.

Forest Survey of India

Government of India
Ministry of Environment & Forests

Ref:- MISC. APPLICATION NO. 923 OF 2008 IN WRIT PETITION NO. 334 of 2006

Sub:- Identification and demarcation of the private forests in the State of Goa

Whereas the Goa Foundation has filed a Misc. Application No. 923 of 2008 in Writ Petition No. 334 of 2006 in the Hon'ble Bombay High Court at Goa requesting the Forest Survey of India (FSI), a Central Government Organization to complete the identification and demarcation of private forest areas in the State of Goa.

The Hon'ble High Court has served a notice to the Director General, FSI to inform to the Hon'ble Court whether FSI can carry out the exercise of identification and demarcation of private forest in the State of Goa vide Order dated 27.1.2009. The

said order of the Hon'ble Bombay High Court at Goa has been served by the Goa Foundation vide letter dated 2.2.2009.

On behalf of the DG, FSI it is to be submitted before the Hon'ble HighCourt that the mandate of the FSI is to assess the forest cover of the country using remote sensing technology once every two years. On the basis of the forest cover assessment, the FSI also prepares a State of Forest Report (SFR) providing forest cover at the national, State and district level every two years and so far 10 SFR have been published. The last SFR of the year 2005 was published giving the status of forest cover in the Country in February 2008. These SFRs are also put on the website of the FSI.

The forest cover presented in the report includes all land which have tree canopy density of 10% and above and area with more than 1 ha on 1:50,000 scale. The forest cover does not make any distinction between the origin of trees or tree species and also does not recognize type of land ownership or land use and legal status of land The non-distinction of species and land ownership and legal status of land under the forest cover is on account of

limitation of the satellite imagery which are procured from the Department of Space by the FSI and interpreted (now digitally) by the technical staff of FSI in the Computer Lab of FSI at Dehradun. The spatial resolution of the satellite data currently in use by FSI is 23.5 meter x 23.5 meter.

It is to be submitted before the Hon'ble High Court that the record of legal status as well as ownership of the land is maintained by the respective State Governments in country. Due to non availability of boundaries of such land from the State Governments/UTs, the FSI has not been able to put the boundaries of even reserved and protected forests on the forest cover of the respective State. As a result, of the total forest cover presented in the SFRs it is still not known as how much of it falls under notified forests areas, that is, reserved and protected forest. The Geo-coded boundaries of the recorded forest and other land use have to be provided by the State Governments.

It is to be submitted before the Hon'ble High Court that the exercise of identification and demarcation of private forests in the

State of Goa will require surveying and fixing of the boundaries on the ground based on the State Government records. This is essentially a field based exercise which are to be carried out by the State Government through the officials of the Revenue and Forest Departments. The FSI has never done such exercise any where in the country neither it is equipped to undertake the same.

The remote sensing imageries which are being used by FSI in forest cover assessment do not discern such boundaries. However, if such boundaries are fixed on the ground by the State Government and maps of the same are accordingly prepared and supplied to FSI with geo-coded boundaries, it will be possible to over lay the same on the forest cover map; which will provide a distinction between the recorded forests and private forests.

Submitted before the Hon'ble High Court for kind information.

16/2/09

(Subhash Ashutosh)
Joint Director (NFDMC)
Forest Survey of India,
Dehradun

8.7 GOA

8.7.1 Introduction

Goa is the smallest State of the country having a geographic area of 0.37 million ha, It lies between lat 14°53' to 15°40' N and between long 73°40' to 74°21' E. Mandovi and Zuari are two major rivers which are lifeline of Goa originating from Western Ghats and flowing towards southern boundary to join the Arabian Sea. The land use pattern of the State is shown in Table 8.7a.

The mean temperature in the State ranges from 16.2°C to 36.7°C. The average annual rainfall is 3,790 mm. The State falls under western ghats and coastal plain, hot humid per humid eco-region.

The total population of the State is 1.35 million *(Census 2001)*. Out of this urban population is 49.76 % and rural population is 50.24 %. Population density is 363 persons per km^2. The livestock population is 212,000 *(Livestock Census 2003)*.

8.7.2 Forest Resources

The recorded forest area is 1,224 km^2 which constitutes 33.06% of the geographic area of the State. By legal status, 237 km^2 (19.36%) is under Reserved Forest, 723 km^2 (59%) under section 4 of Indian Forest Act (IFA), and the remaining under Unclassed Forest.

There are three major forest types namely Tropical Evergreen Forests, Tropical Semi-Evergreen Forests and Littoral and swamp forests.

8.7.3 Protected Area

Protected area is spread over 755 km^2 constituting 20.4% of the geographical area of the State which comprises 1 National Park (Mollem National Park) and 6 Wildlife Sanctuaries.

8.7.4 Joint Forest Management

The Government of Goa started Joint Forest Management in 2003. There are 26 JFM committees managing 10,000 ha of forest area where 336 families are involved.

The dependence of people on forests in Goa is negligible. As per JFM notification of Goa, sharing of benefit is not based on harvested forest produce but on the value addition to the forests being protected by the JFM committees.

Source: Proceedings of the National Workshop on JFM, MoEF, 2005.

8.7.5 Forest Cover

The forest cover based on the satellite data of December 2004 is 2,164 km^2, which is 58.45% of the geographic area of the State. Very dense forest is 55 km^2, moderately dense forest, 1,095 km^2, and open forest, 1,014 km^2. The forest cover of the State is shown in Fig. 8.7.

Table 8.7a: Land use pattern

Land Use	Area in '000 ha	Percentage
Total geographical area	370	
Reporting area for land utilization	361	100.00
Forests	125	34.63
Not available for cultivation	37	10.25
Permanent pastures and other grazing lands	1	0.28
Land under misc. tree crops & groves	1	0.28
Culturable wasteland	55	15.24
Fallow lands other than current fallows	m	0.00
Current Fallows	m	0.00
Net area sown	141	39.06

m: Not available separately, included under culturable wasteland
Source: Land Use Statistics, Ministry of Agriculture, GOI, 2005.

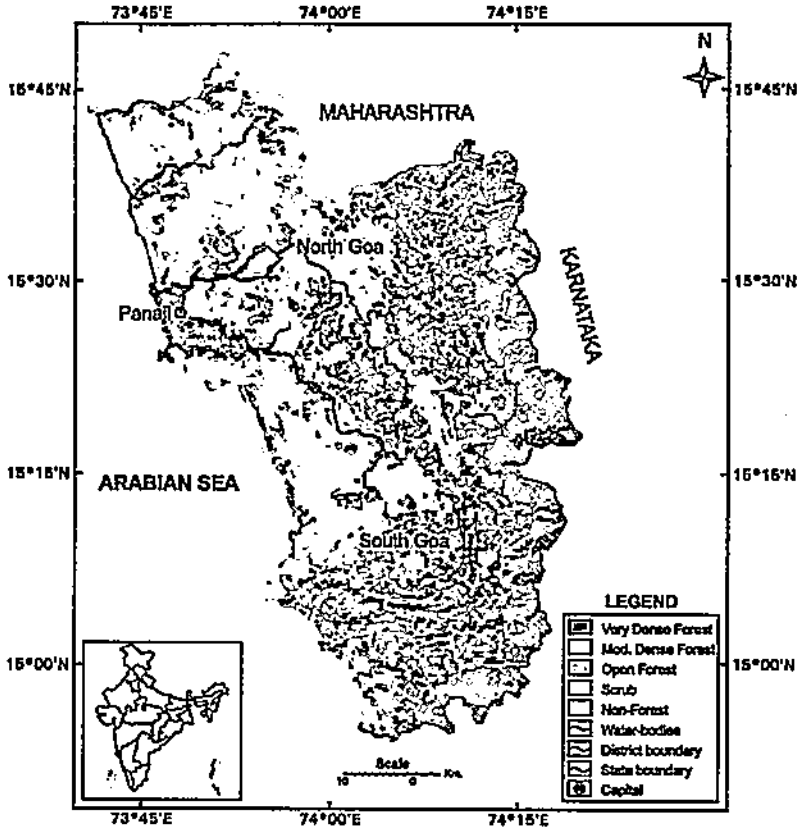

Fig 8.7 : Forest Cover Map of Goa

There is no change in forest cover and its density as compared to the previous assessment (based on satellite data of November 2002), hence no change matrix is given.

The extent of very dense forest, moderately dense forest, open forest, and scrub is given in Table 8.7b compared to 2003 assessment.

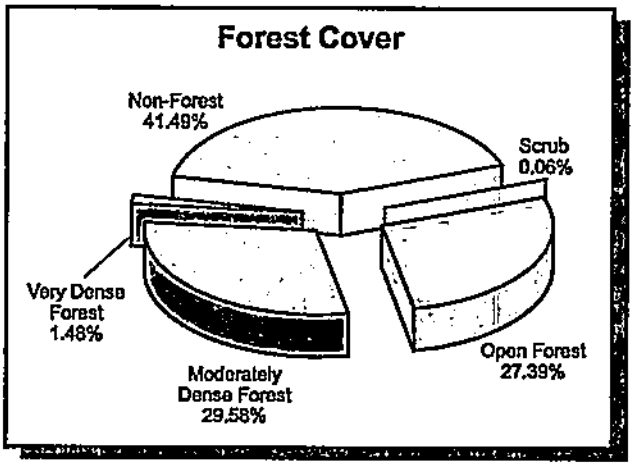

Table 8.7b: District-wise forest cover
Number of Districts: 2

(area in km²)

District	Geographic area	2005 Assessment				Percent of G.A.	Change	Scrub
		Very dense forest	Mod. dense forest	Open forest	Total			
North Goa	1,736	7	371	497	875	50.40	0	0
South Goa	1,966	48	724	517	1,289	65.56	0	2
Total	**3,702**	**55**	**1,095**	**1,014**	**2,164**	**58.45**	**0**	**2**

8.7.6 Tree Cover

Tree cover of Goa has been estimated following a sampling based approach. A separate exercise was carried out where high resolution satellite data (5.8m) has been used for identification of tree patches for field inventory. Field inventory has been carried out on 143 sample plots in one district of the State between 2002-06 and the estimated tree cover in the State is 268 km^2.

The forest and tree cover of the State is presented in the Table 8.7c.

Table 8.7c: Forest & tree cover

(area in km^2)

Category	Area	% of Geographical Area
Tree Cover	268	7.24
Forest Cover	2,164	58.45
Forest & Tree Cover	**2,432**	**65.69**